

Maddox
McKean
Hansen

Succeeded By
SF HF 499

SSB-1080

Judiciary

SENATE/HOUSE FILE _____
BY (PROPOSED GOVERNOR'S BILL)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act making changes to and reorganizing scheduled fines.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section 805.8, Code 2001, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 805.8 SCHEDULED VIOLATIONS.

5 1. APPLICATION. Except as otherwise indicated, violations
6 of sections of the Code specified in sections 805.8A, 805.8B,
7 and 805.8C, are scheduled violations, and the scheduled fine
8 for each of those violations is as provided in those sections,
9 whether the violation is of state law or of a county or city
10 ordinance. The criminal penalty surcharge required by section
11 911.2 shall be added to the scheduled fine.

12 2. DESCRIPTION OF VIOLATIONS. The descriptions of
13 offenses used in sections 805.8A, 805.8B, and 805.8C, are for
14 convenience only and shall not be construed to define any
15 offense or to include or exclude any offense other than those
16 specifically included or excluded by reference to the Code. A
17 reference to a section or subsection of the Code without
18 further limitation includes every offense defined by that
19 section or subsection.

20 Sec. 2. NEW SECTION. 805.8A MOTOR VEHICLE AND
21 TRANSPORTATION SCHEDULED VIOLATIONS.

22 1. PARKING VIOLATIONS.

23 a. For parking violations under sections 321.236, 321.239,
24 321.358, 321.360, and 321.361, the scheduled fine is ten
25 dollars. The scheduled fine for a parking violation of
26 section 321.236 increases in an amount up to fifteen dollars,
27 as authorized by ordinance pursuant to section 321.236,
28 subsection 1, paragraph "a", if the parking violation is not
29 paid within thirty days of the date upon which the violation
30 occurred. For purposes of calculating the unsecured
31 appearance bond required under section 805.6, the scheduled
32 fine shall be ten dollars. However, violations charged by a
33 city or county upon simple notice of a fine instead of a
34 uniform citation and complaint as permitted by section
35 321.236, subsection 1, paragraph "a", are not scheduled

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1 violations, and this section shall not apply to any offense
2 charged in that manner. For a parking violation under section
3 321.362 or 461A.38, the scheduled fine is ten dollars.

4 b. For a parking violation under section 321L.2A,
5 subsection 2, the scheduled fine is twenty dollars.

6 c. For violations under section 321L.2A, subsection 3,
7 321L.3, 321L.4, subsection 2, and 321L.7, the scheduled fine
8 is one hundred dollars.

9 2. TITLE OR REGISTRATION VIOLATIONS.

10 a. For violations under sections 321.32, 321.34, 321.37,
11 321.38, and 321.41, the scheduled fine is ten dollars.

12 b. For violations under sections 321.17, 321.47, 321.55,
13 321.98, and 321.115, the scheduled fine is thirty dollars.

14 c. For violations under sections 321.25, 321.45, 321.46,
15 321.48, 321.52, 321.57, 321.62, 321.67, and 321.104, the
16 scheduled fine is fifty dollars.

17 d. For a violation under section 321.99, the scheduled
18 fine is one hundred dollars.

19 3. EQUIPMENT VIOLATIONS.

20 a. For violations under sections 321.317, 321.386,
21 321.387, 321.388, 321.389, 321.390, 321.392, 321.393, 321.422,
22 321.432, 321.436, 321.439, 321.440, 321.441, 321.442, and
23 321.444, the scheduled fine is ten dollars.

24 b. For improperly used or nonused, or defective or
25 improper equipment, other than brakes, driving lights and
26 brake lights, under section 321.437, the scheduled fine is ten
27 dollars.

28 c. For violations under sections 321.382, 321.404A, and
29 321.438, the scheduled fine is fifteen dollars.

30 d. For violations of sections 321.383, 321.384, 321.385,
31 321.398, 321.402, 321.403, 321.404, 321.409, 321.415, 321.419,
32 321.420, 321.421, 321.423, and 321.433, the scheduled fine is
33 twenty dollars.

34 e. For violations under sections 321.234A, 321.247,
35 321.381, 321.381A, and 321.430, the scheduled fine is fifty

1 dollars.

2 4. DRIVER'S LICENSE VIOLATIONS.

3 a. For violations under sections 321.174A, 321.180,
4 321.180B, 321.193, and 321.194, the scheduled fine is thirty
5 dollars.

6 b. For violations under sections 321.174, 321.216,
7 321.216B, 321.216C, 321.219, and 321.220, the scheduled fine
8 is one hundred dollars.

9 5. SPEED VIOLATIONS.

10 a. For excessive speed violations in excess of the limit
11 under section 321.236, subsections 5 and 11, sections 321.285,
12 and 461A.36, the scheduled fine shall be the following:

13 (1) Ten dollars for speed not more than five miles per
14 hour in excess of the limit.

15 (2) Thirty dollars for speed greater than five but not
16 more than ten miles per hour in excess of the limit.

17 (3) Fifty dollars for speed greater than ten but not more
18 than fifteen miles per hour in excess of the limit.

19 (4) Seventy dollars for speed greater than fifteen but not
20 more than twenty miles per hour in excess of the limit.

21 (5) Seventy dollars plus five dollars for each mile per
22 hour of excessive speed over twenty miles per hour over the
23 limit.

24 b. Notwithstanding paragraph "a", for excessive speed
25 violations in speed zones greater than fifty-five miles per
26 hour, the scheduled fine shall be:

27 (1) Ten dollars for speed not more than five miles per
28 hour in excess of the limit.

29 (2) Thirty dollars for speed greater than five but not
30 more than ten miles per hour in excess of the limit.

31 (3) Sixty dollars for speed greater than ten but not more
32 than fifteen miles per hour in excess of the limit.

33 (4) Ninety dollars for speed greater than fifteen but not
34 more than twenty miles per hour in excess of the limit.

35 (5) Ninety dollars plus five dollars for each mile per

1 hour of excessive speed over twenty miles per hour over the
2 limit.

3 c. Excessive speed in whatever amount by a school bus is
4 not a scheduled violation under any section listed in this
5 subsection.

6 d. Excessive speed in conjunction with a violation of
7 section 321.278 is not a scheduled violation, whatever the
8 amount of excess speed.

9 e. For a violation under section 321.295, the scheduled
10 fine is thirty dollars.

11 6. OPERATING VIOLATIONS.

12 a. For a violation under section 321.236, subsections 3,
13 4, 9, and 12, the scheduled fine is twenty dollars.

14 b. For violations under sections 321.275, subsections 1
15 through 7, 321.277A, 321.315, 321.316, 321.318, 321.363, and
16 321.365, the scheduled fine is twenty-five dollars.

17 c. For violations under sections 321.288, 321.297,
18 321.299, 321.302, 321.303, 321.304, subsections 1 and 2,
19 321.305, 321.306, 321.311, 321.312, 321.314, 321.323, 321.340,
20 321.353, 321.354, 321.366, and 321.395, the scheduled fine is
21 fifty dollars.

22 7. FAILURE TO YIELD VIOLATIONS.

23 a. For a violation by an operator of a motor vehicle under
24 section 321.257, subsection 2, the scheduled fine is fifty
25 dollars.

26 b. For violations under sections 321.298, 321.307,
27 321.308, 321.313, 321.319, 321.320, 321.321, 321.327, 321.329,
28 and 321.333, the scheduled fine is fifty dollars.

29 8. TRAFFIC SIGN OR SIGNAL VIOLATIONS. For violations
30 under sections 321.236, subsections 2 and 6, 321.256, 321.257,
31 subsection 2, 321.294, 321.304, subsection 3, and 321.322, the
32 scheduled fine is fifty dollars.

33 9. BICYCLE OR PEDESTRIAN VIOLATIONS. For violations by a
34 pedestrian or a bicyclist under section 321.234, subsections 3
35 and 4, 321.236, subsection 10, 321.257, subsection 2, 321.275,

1 subsection 8, 321.325, 321.326, 321.328, 321.331, 321.332,
2 321.397, or 321.434, the scheduled fine is fifteen dollars.

3 10. SCHOOL BUS VIOLATIONS.

4 a. For violations by an operator of a school bus under
5 sections 321.285 and 321.372, subsections 1 and 2, the
6 scheduled fine is thirty-five dollars.

7 b. For a violation under section 321.372, subsection 3,
8 the scheduled violation is one hundred dollars.

9 11. EMERGENCY VEHICLE VIOLATIONS.

10 a. For violations under sections 321.231, 321.367, and
11 321.368 the scheduled fine is thirty-five dollars.

12 b. For a violation under section 321.324, the scheduled
13 fine is one hundred dollars.

14 12. RESTRICTIONS ON VEHICLES.

15 a. For violations under sections 321.309, 321.310,
16 321.394, 321.461, and 321.462, the scheduled fine is twenty-
17 five dollars.

18 b. For height, weight, length, width, load violations, and
19 towed vehicle violations under section under 321.437, the
20 scheduled fine is twenty-five dollars.

21 c. For violations under sections 321.454, 321.455,
22 321.456, 321.457, and 321.458, the scheduled fine is one
23 hundred dollars.

24 d. For violations under section 321.466, the scheduled
25 fine is twenty dollars for each two thousand pounds or
26 fraction thereof of overweight.

27 e. Violations of the schedule of axle and tandem axle and
28 gross or group of axle weight violations in section 321.463
29 shall be scheduled violations subject to the provisions,
30 procedures, and exceptions contained in sections 805.6 to
31 805.11, irrespective of the amount of the fine under that
32 schedule. Violations of the schedule of weight violations
33 shall be chargeable, where the fine charged does not exceed
34 one thousand dollars, only by uniform citation and complaint.
35 Violations of the schedule of weight violations, where the

1 fine charged exceeds one thousand dollars shall, when the
2 violation is admitted and section 805.9 applies, be chargeable
3 upon uniform citation and complaint, indictment, or county
4 attorney's information, but otherwise, shall be chargeable
5 only upon indictment or county attorney's information.

6 In all cases of charges under the schedule of weight
7 violations, the charge shall specify the amount of fine
8 charged under the schedule. Where a defendant is convicted
9 and the fine under the foregoing schedule of weight violations
10 exceeds one thousand dollars, the conviction shall be of an
11 indictable offense although section 805.9 is employed and
12 whether the violation is charged upon uniform citation and
13 complaint, indictment, or county attorney's information.

14 f. For a violation under section 321E.16, other than the
15 provisions relating to weight, the scheduled fine is one
16 hundred dollars.

17 13. MOTOR CARRIER VIOLATIONS.

18 a. For violations under sections 321.54, 326.22, and
19 326.23, the scheduled fine is twenty dollars.

20 b. For a violation under section 321.449, the scheduled
21 fine is twenty-five dollars.

22 c. For violations under sections 321.208A, 321.364,
23 321.450, 321.460, and 452A.52, the scheduled fine is one
24 hundred dollars.

25 d. For violations of section 325A.3, subsection 5, or
26 section 325A.8, the scheduled fine is fifty dollars.

27 e. For violations of chapter 325A, other than a violation
28 of section 325A.3, subsection 5, or section 325A.8, the
29 scheduled fine is two hundred fifty dollars.

30 f. For failure to have proper carrier identification
31 markings under section 327B.1, the scheduled fine is fifty
32 dollars.

33 g. For failure to have proper evidence of interstate
34 authority carried or displayed under section 327B.1, and for
35 failure to register, carry, or display evidence that

1 interstate authority is not required under section 327B.1, the
2 scheduled fine is two hundred fifty dollars.

3 14. MISCELLANEOUS VIOLATIONS.

4 a. FAILURE TO OBEY A PEACE OFFICER. For a violation under
5 section 321.229, the scheduled fine is fifty dollars.

6 b. ABANDONING A MOTOR VEHICLE. For violation under
7 section 321.91, the scheduled fine is one hundred dollars.

8 c. SEAT BELT OR RESTRAINT VIOLATIONS.

9 (1) For a violation under section 321.445, the scheduled
10 fine is twenty-five dollars.

11 (2) For a violation under section 321.446, the scheduled
12 fine is fifty dollars.

13 d. LITTER AND DEBRIS VIOLATIONS. For violations under
14 sections 321.369 and 321.370, the scheduled fine is thirty-
15 five dollars.

16 e. OPEN CONTAINER VIOLATIONS. For violations under
17 sections 321.284 and 321.284A, the scheduled fine is one
18 hundred dollars.

19 f. PROOF OF FINANCIAL RESPONSIBILITY. If, in connection
20 with a motor vehicle accident, a person is charged and found
21 guilty of a violation of section 321.20B, subsection 1, the
22 scheduled fine is five hundred dollars, otherwise, the
23 scheduled fine for a violation of section 321.20B, subsection
24 1, is two hundred fifty dollars. Notwithstanding section
25 805.12, fines collected pursuant to this paragraph shall be
26 submitted to the state court administrator and distributed
27 fifty percent to the victim compensation fund established in
28 section 915.94, twenty-five percent to the county in which
29 such fine is imposed, and twenty-five percent to the general
30 fund of the state.

31 g. RADAR-JAMMING DEVICES. For a violation under section
32 321.232, the scheduled fine is one hundred dollars.

33 h. RAILROAD CROSSING VIOLATIONS.

34 (1) For violations under sections 321.341, 321.342,
35 321.343, and 321.344, the scheduled fine is one hundred

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1 dollars.

2 (2) For a violation under section 321.344B, the scheduled
3 fine is two hundred fifty dollars.

4 i. ROAD WORK ZONE VIOLATIONS. The scheduled fine for any
5 moving traffic violation under chapter 321, as provided in
6 this section, shall be doubled if the violation occurs within
7 any road work zone, as defined in section 321.1.

8 Sec. 3. NEW SECTION. 805.8B NAVIGATION, RECREATION,
9 HUNTING, AND FISHING SCHEDULED VIOLATIONS.

10 1. NAVIGATION VIOLATIONS.

11 a. For violations of registration, inspections,
12 identification, and record provisions under sections 462A.5,
13 462A.35, and 462A.37, and for unused or improper or defective
14 lights and warning devices under section 462A.9, subsections
15 3, 4, 5, 9, and 10, the scheduled fine is ten dollars.

16 b. For violations of registration, identification, and
17 record provisions under sections 462A.4 and 462A.10, and for
18 unused or improper or defective equipment under section
19 462A.9, subsections 2, 6, 7, 8, and 13, and section 462A.11,
20 and for operation violations under sections 462A.26, 462A.31,
21 and 462A.33, the scheduled fine is twenty dollars.

22 c. For operating violations under sections 462A.12,
23 462A.15, subsection 1, sections 462A.24, and 462A.34, the
24 scheduled fine is twenty-five dollars. However, a violation
25 of section 462A.12, subsection 2, is not a scheduled
26 violation.

27 d. For violations of use, location, and storage of
28 vessels, devices, and structures under sections 462A.27,
29 462A.28, and 462A.32, the scheduled fine is fifteen dollars.

30 e. For violations of all subdivision ordinances under
31 section 462A.17, subsection 2, except those relating to
32 matters subject to regulation by authority of section 462A.31,
33 subsection 5, the scheduled fine is the same as prescribed for
34 similar violations of state law. For violations of
35 subdivision ordinances for which there is no comparable state

1 law, the scheduled fine is ten dollars.

2 2. SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.

3 a. For registration violations under section 321G.3, the
4 scheduled fine is twenty dollars. When the scheduled fine is
5 paid, the violator shall submit sufficient proof that a valid
6 registration has been obtained.

7 b. For operating violations under section 321G.9,
8 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, and
9 321G.13, subsections 4 and 9, the scheduled fine is twenty
10 dollars.

11 c. For improper or defective equipment under section
12 321G.12, the scheduled fine is ten dollars.

13 d. For violations of section 321G.19, the scheduled fine
14 is fifteen dollars.

15 e. For identification violations under section 321G.5, the
16 scheduled fine is ten dollars.

17 3. HUNTING AND FISHING VIOLATIONS.

18 a. For violations of section 484A.2, the scheduled fine is
19 ten dollars.

20 b. For violations of sections 481A.54, 481A.69, 481A.71,
21 481A.72, 482.6, 483A.3, 483A.6, 483A.19, and 483A.27, the
22 scheduled fine is twenty dollars.

23 c. For violations of sections 481A.6, 481A.21, 481A.22,
24 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, 481A.83,
25 481A.84, 481A.92, 481A.123, 481A.145, subsection 3, sections
26 482.7, 483A.7, 483A.8, 483A.23, and 483A.24, the scheduled
27 fine is twenty-five dollars.

28 d. For violations of sections 481A.7, 481A.24, 481A.47,
29 481A.52, 481A.53, 481A.55, 481A.58, 481A.76, 481A.90, 481A.91,
30 481A.97, 481A.122, 481A.126, 481A.142, 481A.145, subsection 2,
31 sections 482.8, and 483A.37, the scheduled fine is fifty
32 dollars.

33 e. For violations of sections 481A.85, 481A.93, 481A.95,
34 481A.120, 481A.137, 481B.5, 482.3, 482.9, 482.15, and 483A.42,
35 the scheduled fine is one hundred dollars.

1 f. For violations of section 481A.38 relating to the
2 taking, pursuing, killing, trapping or ensnaring, buying,
3 selling, possessing, or transporting any game, protected
4 nongame animals, fur-bearing animals, or fur or skin of the
5 animals, mussels, frogs, or fish or part of them, the
6 scheduled fines are as follows:

7 (1) For deer or turkey, the scheduled fine is one hundred
8 dollars.

9 (2) For protected nongame, the scheduled fine is one
10 hundred dollars.

11 (3) For mussels, frogs, spawn, or fish, the scheduled fine
12 is twenty-five dollars.

13 (4) For other game, the scheduled fine is fifty dollars.

14 (5) For fur-bearing animals, the scheduled fine is
15 seventy-five dollars.

16 g. For violations of section 481A.38 relating to an
17 attempt to take, pursue, kill, trap, buy, sell, possess, or
18 transport any game, protected nongame animals, fur-bearing
19 animals, or fur or skin of the animals, mussels, frogs, or
20 fish or part of them, the scheduled fines are as follows:

21 (1) For game or fur-bearing animals, the scheduled fine is
22 fifty dollars.

23 (2) For protected nongame, the scheduled fine is fifty
24 dollars.

25 (3) For mussels, frogs, spawn, or fish, the scheduled fine
26 is ten dollars.

27 h. For violations of section 481A.48 relating to
28 restrictions on game birds and animals, the scheduled fines
29 are as follows:

30 (1) Out-of-season, the scheduled fine is one hundred
31 dollars.

32 (2) Over limit, the scheduled fine is one hundred dollars.

33 (3) Attempt to take, the scheduled fine is fifty dollars.

34 (4) General waterfowl restrictions, the scheduled fine is
35 fifty dollars.

- 1 (a) No federal stamp, the scheduled fine is fifty dollars.
2 (b) Unplugged shotgun, the scheduled fine is ten dollars.
3 (c) Possession of other than steel shot, the scheduled
4 fine is twenty-five dollars.
5 (d) Early or late shooting, the scheduled fine is twenty-
6 five dollars.
7 (5) Possession of a prohibited pistol or revolver while
8 hunting deer, the scheduled fine is one hundred dollars.
9 i. For violations of section 481A.67 relating to general
10 violations of fishing laws, the scheduled fine is twenty-five
11 dollars.
12 (1) For over limit catch, the scheduled fine is thirty
13 dollars.
14 (2) For under minimum length or weight, the scheduled fine
15 is twenty dollars.
16 (3) For out-of-season fishing, the scheduled fine is fifty
17 dollars.
18 j. For violations of section 481A.73 relating to trotlines
19 and throwlines:
20 (1) For trotline or throwline violations in legal waters,
21 the scheduled fine is twenty-five dollars.
22 (2) For trotline or throwline violations in illegal
23 waters, the scheduled fine is fifty dollars.
24 k. For violations of section 481A.144, subsection 4, or
25 section 481A.145, subsections 4, 5, and 6, relating to
26 minnows:
27 (1) For general minnow violations, the scheduled fine is
28 twenty-five dollars.
29 (2) For commercial purposes, the scheduled fine is fifty
30 dollars.
31 l. For violations of section 481A.87 relating to the
32 taking or possessing of fur-bearing animals out of season:
33 (1) For red fox, gray fox, or mink, the scheduled fine is
34 one hundred dollars.
35 (2) For all other furbearers, the scheduled fine is fifty

1 dollars.

2 m. For violations of section 482.4 relating to gear tags:

3 (1) For commercial license violations, the scheduled fine
4 is one hundred dollars.

5 (2) For no gear tags, the scheduled fine is twenty-five
6 dollars.

7 n. For violations of section 482.11 relating to turtles:

8 (1) For commercial turtle violations, the scheduled fine
9 is one hundred dollars.

10 (2) For sport turtle violations, the scheduled fine is
11 fifty dollars.

12 o. For violations of section 482.12 relating to mussels:

13 (1) For commercial mussel violations, the scheduled fine
14 is one hundred dollars.

15 (2) For sport mussel violations, the scheduled fine is
16 fifty dollars.

17 p. For violations of section 483A.1 relating to licenses
18 and permits, the scheduled fines are as follows:

19 (1) For a license or permit costing ten dollars or less,
20 the scheduled fine is twenty dollars.

21 (2) For a license or permit costing more than ten dollars
22 but not more than twenty dollars, the scheduled fine is thirty
23 dollars.

24 (3) For a license or permit costing more than twenty
25 dollars but not more than forty dollars, the scheduled fine is
26 fifty dollars.

27 (4) For a license or permit costing more than forty
28 dollars but not more than fifty dollars, the scheduled fine is
29 seventy dollars.

30 (5) For a license or permit costing more than fifty
31 dollars, the scheduled fine is one hundred dollars.

32 q. For violations of section 483A.26 relating to false
33 claims for licenses:

34 (1) For making a false claim for a license by a resident,
35 the scheduled fine is fifty dollars.

1 (2) For making a false claim for a license by a
2 nonresident, the scheduled fine is one hundred dollars.

3 r. For violations of section 483A.36 relating to the
4 conveyance of guns:

5 (1) For conveying an assembled, unloaded gun, the
6 scheduled fine is twenty-five dollars.

7 (2) For conveying a loaded gun, the scheduled fine is
8 fifty dollars.

9 4. GINSENG VIOLATIONS. For a violation of section
10 456A.24, subsection 11, the scheduled fine is one hundred
11 dollars.

12 5. EURASIAN WATER MILFOIL VIOLATIONS. For violations of
13 section 456A.37, subsection 5, the scheduled fine is one
14 hundred dollars.

15 6. MISUSE OF PARKS AND PRESERVES.

16 a. For violations under sections 461A.39, 461A.45, and
17 461A.50, the scheduled fine is ten dollars.

18 b. For violations under sections 461A.40, 461A.43,
19 461A.46, and 461A.49, the scheduled fine is fifteen dollars.

20 c. For violations of section 461A.44, the scheduled fine
21 is fifty dollars.

22 d. For violations of section 461A.48, the scheduled fine
23 is twenty-five dollars.

24 Sec. 4. NEW SECTION. 805.8C MISCELLANEOUS SCHEDULED
25 VIOLATIONS.

26 1. ENERGY EMERGENCY VIOLATIONS. For violations of an
27 executive order issued by the governor under the provisions of
28 section 473.8, the scheduled fine is fifty dollars.

29 2. ALCOHOLIC BEVERAGE VIOLATIONS.

30 For violations of section 123.49, subsection 2, paragraph
31 "h", the scheduled fine for a licensee or permittee is one
32 thousand five hundred dollars, and the scheduled fine for a
33 person who is employed by a licensee or permittee is five
34 hundred dollars.

35 3. SMOKING VIOLATIONS.

1 a. For violations of section 142B.6, the scheduled fine is
 2 twenty-five dollars, and is a civil penalty, and the criminal
 3 penalty surcharge under section 911.2 shall not be added to
 4 the penalty, and the court costs pursuant to section 805.9,
 5 subsection 6, shall not be imposed. If the civil penalty
 6 assessed for a violation of section 142B.6 is not paid in a
 7 timely manner, a citation shall be issued for the violation in
 8 the manner provided in section 804.1. However, a person under
 9 age eighteen shall not be detained in a secure facility for
 10 failure to pay the civil penalty. The complainant shall not
 11 be charged a filing fee.

12 b. For violations of section 453A.2, subsection 1, by an
 13 employee of a retailer, the scheduled fine is as follows:

14 (1) If the violation is a first offense, the scheduled
 15 fine is one hundred dollars.

16 (2) If the violation is a second offense, the scheduled
 17 fine is two hundred fifty dollars.

18 (3) If the violation is a third or subsequent offense, the
 19 scheduled fine is five hundred dollars.

20 c. For violations of section 453A.2, subsection 2, the
 21 scheduled fine is as follows and is a civil penalty, and the
 22 criminal penalty surcharge under section 911.2 shall not be
 23 added to the penalty, and the court costs pursuant to section
 24 805.9, subsection 6, shall not be imposed:

25 (1) If the violation is a first offense, the scheduled
 26 fine is fifty dollars.

27 (2) If the violation is a second offense, the scheduled
 28 fine is one hundred dollars.

29 (3) If the violation is a third or subsequent offense, the
 30 scheduled fine is two hundred fifty dollars.

31 Sec. 5. CODE EDITOR DIRECTIONS. The Code editor shall
 32 make any necessary changes to the Code in order to conform any
 33 provisions of the Code with this Act.

34 EXPLANATION

35 This bill makes changes to scheduled fine amounts and

1 reorganizes Code section 805.8 relating to scheduled fines.
2 The bill separates Code section 805.8 into three new sections
3 805.8A (motor vehicle and transportation-related offenses),
4 805.8B (navigation, recreation, hunting, and fishing
5 offenses), and 805.8C (miscellaneous offenses). The bill does
6 not change any scheduled fine amounts for offenses moved to
7 new Code sections 805.8B and 805.8C, the offenses were merely
8 reorganized from Code section 805.8 into the new Code
9 sections. The bill does, however, change certain scheduled
10 fine amounts in new Code section 805.8A which relate to motor
11 vehicle and transportation offenses. (Only one offense was
12 moved from the recreation to the transportation offenses, that
13 being the improper operation of an all-terrain vehicle, with a
14 fine decrease from \$100 to \$50.) A scheduled violation is a
15 simple misdemeanor that allows a defendant to pay a fixed fine
16 amount plus court costs and surcharge without ever making a
17 formal court appearance.

18 **PARKING VIOLATIONS.** The bill increases a parking fine from
19 \$5 to \$10 under Code sections 321.236, 321.239, 321.358,
20 321.360, and 321.361. The bill increases the maximum parking
21 fine amount if the fine is not paid after 30 days from \$10 to
22 \$15. The unsecured appearance bond required for a parking
23 violation is also increased from \$5 to \$10.

24 The bill changes a violation under Code section 321L.3
25 (retuning of persons with disabilities parking permit) and
26 321L.7 (failure to provide persons with disabilities parking
27 spaces), from a simple misdemeanor to a simple misdemeanor
28 punishable as a scheduled violation, but the fine amount
29 remains at \$100.

30 **REGISTRATION AND TITLE VIOLATIONS.** The bill increases the
31 fine amount from \$5 to \$10 for the following offenses:
32 failure to carry a registration card (321.32); miscellaneous
33 registration violations (321.34); failure to properly display
34 plates (321.37); failure to properly maintain plates (321.38);
35 and failure to give notice of name or address or special fuel

1 change (321.41). The bill increases the fine amount from \$20
2 to \$30 for the following offenses: operating a vehicle that
3 is not properly registered (321.17); failure to have required
4 registration and financial liability coverage if doing
5 business in the state (321.55); operating or allowing to
6 operate without registration (321.98). The bill decreases the
7 fine amount from \$100 to \$30 for the following offenses:
8 transfers of title by operation of law (321.47); and antique
9 car registration violations (321.115). The bill also
10 decreases the fine amount from \$100 to \$50 under Code section
11 321.57 for failure to have proper plates by a manufacturer or
12 dealer.

13 **EQUIPMENT VIOLATIONS.** The bill decreases the fine amount
14 from \$20 to \$10 under Code section 321.386 for failure to have
15 or to comply with motorcycle headlight provisions. The bill
16 increases the fine amount from \$10 to \$15 under Code section
17 321.438, subsections 1 and 3, for failure to maintain certain
18 windshield requirements. The bill decreases the fine amount
19 from \$100 to \$20 for the following offense: special
20 restrictions on lamps (321.421). The bill increases the fine
21 amount from \$25 to \$50 under Code section 321.381 for movement
22 of unsafe or improperly equipped vehicles. The bill decreases
23 the fine amount from \$100 to \$50 under Code section 321.247
24 for improper operation of a golf cart, and Code section
25 321.234A, for improper operation of an all-terrain vehicle.
26 The bill changes the penalty under Code section 321.381A
27 (operation of a low-speed vehicle) from a simple misdemeanor
28 to a simple misdemeanor punishable as a scheduled violation in
29 the amount of \$50. The bill increases the fine amount from
30 \$20 to \$50 under Code section 321.430 for defective or
31 improperly used brakes.

32 **DRIVER'S LICENSE VIOLATIONS.** The bill increases the fine
33 from \$20 to \$30 for the following offenses: operating with an
34 expired license (321.174A); instruction permit violations
35 (321.180); graduated driver's license violations (321.180B);

1 violations of restrictions placed on license (321.193); and
2 violations of a school permit (321.194). The bill increases
3 the fine amount from \$75 to \$100 under Code section 321.216
4 for unlawful use of a driver's license or nonoperator
5 identification card. The bill makes Code section 321.216B
6 (use of driver's license or nonoperator identification card to
7 unlawfully obtain alcohol) a scheduled violation punishable by
8 a \$100 fine. The bill also makes Code section 321.216C (use
9 of driver's license or nonoperator identification card to
10 unlawfully obtain tobacco products) a scheduled violation
11 punishable by a fine of \$100.

12 SPEED VIOLATIONS IN SPEED ZONES OF FIFTY-FIVE MILES OR LESS
13 PER HOUR. The bill increases the fine amount in the following
14 manner: if the vehicle is in excess of the posted speed of
15 greater than 5 but not more than 10 miles per hour, the fine
16 increases from \$20 to \$30; if the vehicle is in excess of the
17 posted speed of greater than 10 but not more than 15 miles per
18 hour, the fine increases from \$30 to \$50; if the vehicle is in
19 excess of the posted speed of greater than 15 but not more
20 than 20 miles per hour, the fine increases from \$40 to \$70;
21 and if the vehicle is in excess of 20 miles per hour over the
22 posted speed, the fine increases from \$40 to \$70, and the
23 incremental fine amount for each mile per hour over 20 miles
24 per hour increases from \$2 per mile per hour to \$5 per mile
25 per hour, which is in addition to the \$70 fine.

26 SPEED VIOLATIONS IN SPEED ZONES GREATER THAN FIFTY-FIVE
27 MILES PER HOUR. The bill increases the fine amount for
28 speeding in the following manner: if the vehicle is in excess
29 of the posted speed of greater than 5 but not more than 10
30 miles per hour, the fine increases from \$20 to \$30; if the
31 vehicle is in excess of the posted speed of greater than 10
32 but not more than 15 miles per hour, the fine increases from
33 \$40 to \$60; and if the vehicle is in excess of the posted
34 speed of greater than 15 but not more than 20 miles per hour,
35 the fine increases from \$60 to \$90, and the incremental fine

1 amount for each mile per hour over 20 miles per hour increases
2 from \$2 per mile per hour to \$5 per mile per hour, which is in
3 addition to the \$90 fine.

4 SPEED VIOLATIONS ON A BRIGDE. The bill increases the fine
5 amount under Code section 321.295 from \$15 to \$30.

6 OPERATING VIOLATIONS. The bill increases the fine amount
7 from \$15 to \$20 under Code section 321.236, subsections 3, 4,
8 9, and 12, which pertain to local parking ordinances
9 (designated one-ways, snow routes, U-turns, and processions).

10 The bill increases the fine amount from \$15 to \$25 for the
11 following offenses: motorcycle violations (321.275,
12 subsections 1 through 7); failure to give continuous turn
13 signal (321.315); failure to stop or suddenly decreasing speed
14 (321.316); incorrect hand signal (321.318); driving with
15 obstructed view or control (321.363); and coasting on a

16 downgrade (321.365). The bill increases the fine amount from
17 \$20 to \$50 under Code section 321.288 for failure to maintain
18 control. The bill increases the fine amount from \$15 to \$50

19 for the following offenses: for driving on wrong side of the
20 highway (321.297); passing on wrong side of road (321.299);

21 unsafe passing (321.303); passing too near a bridge,
22 intersection, or railroad crossing (321.304, subsections 1 and

23 2); violating one-way traffic designation (321.305); improper
24 use of lanes (321.306); turning from improper lane (321.111);

25 making unsafe U-turn (321.312); unsafe turn or failure to give
26 signal (321.314); unsafe backing on highway (321.323); driving

27 in or through a safety zone (321.340); unsafe entry onto
28 sidewalk or road (321.353); stopping on traveled portion of

29 highway (321.354); and parking on certain roads without
30 activating parking lights (321.395). The bill decreases the

31 fine amount from \$100 to \$50 for the following offenses:

32 overtaking on right (321.302); and acts prohibited on fully
33 controlled-access roads (321.366).

34 FAILURE TO YIELD VIOLATIONS. The bill increases the fine
35 amount from \$20 to \$50 for the following offenses: various

1 failure to yield violations (321.257, subsection 2); failure
2 to yield half of road (321.298); following too closely
3 (321.307); following too closely by motor trucks or towing
4 vehicles (321.308); unsafe starting of a stopped vehicle
5 (321.313); failure to yield to vehicle on the right (321.319);
6 failure to yield upon left turn (321.320); failure to yield
7 upon entering a highway (321.321); failure to yield to
8 pedestrian (321.329); and failure to yield to blind person
9 (321.333). The bill decreases the fine amount from \$100 to
10 \$50 under Code section 321.327 for violation of a pedestrian's
11 right-of-way.

12 TRAFFIC SIGN OR SIGNAL VIOLATIONS. The bill increases the
13 fine amount from \$20 to \$50 for the following offenses:
14 failure to comply with lawful order of a police officer
15 (321.229); local traffic ordinances (321.236, subsections 2
16 and 6); failure to obey traffic control device (321.256);
17 various offenses for failure to respond to a traffic control
18 device (321.257, subsection 2); failure to maintain minimum
19 speed when directed by police officer (321.294); violation of
20 posted highway signs which direct traffic (321.304, subsection
21 3); and failure to obey a stop or yield sign (321.322).

22 BICYCLE OR PEDESTRIAN VIOLATIONS. The bill increases the
23 fine amount from \$10 to \$15 for the following offenses:
24 bicycle rider not riding on proper seat or too many persons on
25 bicycle (321.234, subsections 3 and 4); local authority
26 regulation of bicycles (321.236, subsection 10); failure by
27 pedestrian or bicycle rider to obey walk light (321.257,
28 subsection 2); failure by pedestrian to obey traffic control
29 device (321.325); pedestrian walking on wrong side of highway
30 (321.326); pedestrian failure to use crosswalk (321.328);
31 soliciting rides from within roadway (321.331); unlawful use
32 of white cane (331.332); improper light on bicycle (321.397);
33 and use of siren or whistle on a bicycle (321.434). The bill
34 increases the fine from \$5 to \$15 under Code section 321.275,
35 subsection 8, for failure to display bicycle safety flag.

1 SCHOOL BUS VIOLATIONS. The bill increases the fine from
2 \$25 to \$35 for violations by a school bus driver under Code
3 sections 321.285 and 321.372, subsections 1 and 2.

4 EMERGENCY VEHICLE VIOLATIONS. The bill increases the fine
5 from \$10 to \$35 for a violation under Code section 321.231 for
6 failure of a driver of an emergency vehicle to exercise
7 caution. The bill increases the fine from \$20 to \$35 for
8 failure to maintain distance from a fire-fighting vehicle
9 under Code section 321.367. The bill increases the fine from
10 \$15 to \$35 for crossing an unprotected firehouse under Code
11 section 321.368. The bill increases the fine from \$25 to \$100
12 for failure to yield to an emergency vehicle under Code
13 section 321.324.

14 RESTRICTIONS ON VEHICLES. The bill increases the fine
15 amount from \$25 to \$100 for the following offenses: width and
16 length violations (321.454); excess side projection of load
17 passenger vehicle (321.455); excess height (321.456); excess
18 length (321.457); and excess projection from front of the
19 vehicle (321.458).

20 MOTOR CARRIER VIOLATIONS. The bill increases the fine from
21 \$50 to \$100 for the following offenses: improper hauling food
22 intended for human consumption (321.364), and hazardous
23 material transportation (321.450). The bill increases the
24 fine from \$15 to \$50 for failure to have proper carrier
25 identification markings under Code section 327B.1. The bill
26 increases the fine from \$100 to \$250 for the following
27 offenses under Code section 327B.1, failure to have proper
28 evidence of interstate authority carried or displayed, and
29 failure to register, carry, or display evidence that
30 interstate authority is not required.

31 LITTER AND DEBRIS VIOLATIONS. The bill increases the fine
32 from \$25 to \$35 for the following offenses: for littering
33 (321.369), and for failing to remove debris from the highway
34 (321.370).

35 SEAT BELT VIOLATIONS. The bill increases the fine from \$10

1 to \$25 under Code section 321.445 for failing to wear a seat
2 belt. The bill increases the fine from \$10 to \$50 under Code
3 section 321.446 for failing to secure a child in a vehicle.

4 OPEN CONTAINER VIOLATION. The bill increases the fine from
5 \$50 to \$100 under Code sections 321.284 and 321.284A relating
6 to open containers in a motor vehicle.

7 RADAR-JAMMING DEVICES. The bill increases the fine from
8 \$10 to \$100 under Code section 321.232 relating to use of
9 radar-jamming devices.

10 RAILROAD CROSSINGS. The bill increases the fine from \$200
11 to \$250 under Code section 321.344B if a vehicle improperly
12 crosses a railroad crossing and the violation creates an
13 immediate threat to the safety of a person or property.

14 CODE EDITING. The bill will require numerous internal
15 reference changes before enactment.

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FILED MAR 19 2001

SENATE FILE 499
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SSB 1080)

Passed Senate, Date ^(P. 846) 3-27-01 Passed House, Date ^(P. 1613) 4-27-01
Vote: Ayes 28 Nays 21 Vote: Ayes 74 Nays 18
Approved 5/16/01

A BILL FOR

1 An Act making changes to and reorganizing scheduled fines.
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 499

1 Section 1. Section 805.8, Code 2001, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 805.8 SCHEDULED VIOLATIONS.

5 1. APPLICATION. Except as otherwise indicated, violations
6 of sections of the Code specified in sections 805.8A, 805.8B,
7 and 805.8C, are scheduled violations, and the scheduled fine
8 for each of those violations is as provided in those sections,
9 whether the violation is of state law or of a county or city
10 ordinance. The criminal penalty surcharge required by section
11 911.2 shall be added to the scheduled fine.

12 2. DESCRIPTION OF VIOLATIONS. The descriptions of
13 offenses used in sections 805.8A, 805.8B, and 805.8C, are for
14 convenience only and shall not be construed to define any
15 offense or to include or exclude any offense other than those
16 specifically included or excluded by reference to the Code. A
17 reference to a section or subsection of the Code without
18 further limitation includes every offense defined by that
19 section or subsection.

20 Sec. 2. NEW SECTION. 805.8A MOTOR VEHICLE AND
21 TRANSPORTATION SCHEDULED VIOLATIONS.

22 1. PARKING VIOLATIONS.

23 a. For parking violations under sections 321.236, 321.239,
24 321.358, 321.360, and 321.361, the scheduled fine is ten
25 dollars. The scheduled fine for a parking violation of
26 section 321.236 increases in an amount up to fifteen dollars,
27 as authorized by ordinance pursuant to section 321.236,
28 subsection 1, paragraph "a", if the parking violation is not
29 paid within thirty days of the date upon which the violation
30 occurred. For purposes of calculating the unsecured
31 appearance bond required under section 805.6, the scheduled
32 fine shall be ten dollars. However, violations charged by a
33 city or county upon simple notice of a fine instead of a
34 uniform citation and complaint as permitted by section
35 321.236, subsection 1, paragraph "a", are not scheduled

1 violations, and this section shall not apply to any offense
2 charged in that manner. For a parking violation under section
3 321.362 or 461A.38, the scheduled fine is ten dollars.

4 b. For a parking violation under section 321L.2A,
5 subsection 2, the scheduled fine is twenty dollars.

6 c. For violations under section 321L.2A, subsection 3,
7 321L.3, 321L.4, subsection 2, and 321L.7, the scheduled fine
8 is one hundred dollars.

9 2. TITLE OR REGISTRATION VIOLATIONS.

10 a. For violations under sections 321.32, 321.34, 321.37,
11 321.38, and 321.41, the scheduled fine is ten dollars.

12 b. For violations under sections 321.17, 321.47, 321.55,
13 321.98, and 321.115, the scheduled fine is thirty dollars.

14 c. For violations under sections 321.25, 321.45, 321.46,
15 321.48, 321.52, 321.57, 321.62, 321.67, and 321.104, the
16 scheduled fine is fifty dollars.

17 d. For a violation under section 321.99, the scheduled
18 fine is one hundred dollars.

19 3. EQUIPMENT VIOLATIONS.

20 a. For violations under sections 321.317, 321.386,
21 321.387, 321.388, 321.389, 321.390, 321.392, 321.393, 321.422,
22 321.432, 321.436, 321.439, 321.440, 321.441, 321.442, and
23 321.444, the scheduled fine is ten dollars.

24 b. For improperly used or nonused, or defective or
25 improper equipment, other than brakes, driving lights and
26 brake lights, under section 321.437, the scheduled fine is ten
27 dollars.

28 c. For violations under sections 321.382, 321.404A, and
29 321.438, the scheduled fine is fifteen dollars.

30 d. For violations of sections 321.383, 321.384, 321.385,
31 321.398, 321.402, 321.403, 321.404, 321.409, 321.415, 321.419,
32 321.420, 321.421, 321.423, and 321.433, the scheduled fine is
33 twenty dollars.

34 e. For a violation of section 321.430, the scheduled
35 violation is thirty-five dollars.

1 f. For violations under sections 321.234A, 321.247,
2 321.381, and 321.381A, the scheduled fine is fifty dollars.

3 4. DRIVER'S LICENSE VIOLATIONS.

4 a. For violations under sections 321.174A, 321.180,
5 321.180B, 321.193, and 321.194, the scheduled fine is thirty
6 dollars.

7 b. For a violation of section 321.216, the scheduled
8 violation is seventy-five dollars.

9 c. For violations under sections 321.174, 321.216B,
10 321.216C, 321.219, and 321.220, the scheduled fine is one
11 hundred dollars.

12 5. SPEED VIOLATIONS.

13 a. For excessive speed violations in excess of the limit
14 under section 321.236, subsections 5 and 11, sections 321.285,
15 and 461A.36, the scheduled fine shall be the following:

16 (1) Ten dollars for speed not more than five miles per
17 hour in excess of the limit.

18 (2) Thirty dollars for speed greater than five but not
19 more than ten miles per hour in excess of the limit.

20 (3) Forty dollars for speed greater than ten but not more
21 than fifteen miles per hour in excess of the limit.

22 (4) Fifty dollars for speed greater than fifteen but not
23 more than twenty miles per hour in excess of the limit.

24 (5) Fifty dollars plus five dollars for each mile per hour
25 of excessive speed over twenty miles per hour over the limit.

26 b. Notwithstanding paragraph "a", for excessive speed
27 violations in speed zones greater than fifty-five miles per
28 hour, the scheduled fine shall be:

29 (1) Ten dollars for speed not more than five miles per
30 hour in excess of the limit.

31 (2) Thirty dollars for speed greater than five but not
32 more than ten miles per hour in excess of the limit.

33 (3) Fifty dollars for speed greater than ten but not more
34 than fifteen miles per hour in excess of the limit.

35 (4) Seventy dollars for speed greater than fifteen but not

1 more than twenty miles per hour in excess of the limit.

2 (5) Seventy dollars plus five dollars for each mile per
3 hour of excessive speed over twenty miles per hour over the
4 limit.

5 c. Excessive speed in whatever amount by a school bus is
6 not a scheduled violation under any section listed in this
7 subsection.

8 d. Excessive speed in conjunction with a violation of
9 section 321.278 is not a scheduled violation, whatever the
10 amount of excess speed.

11 e. For a violation under section 321.295, the scheduled
12 fine is thirty dollars.

13 6. OPERATING VIOLATIONS.

14 a. For a violation under section 321.236, subsections 3,
15 4, 9, and 12, the scheduled fine is twenty dollars.

16 b. For violations under sections 321.275, subsections 1
17 through 7, 321.277A, 321.315, 321.316, 321.318, 321.363, and
18 321.365, the scheduled fine is twenty-five dollars.

19 c. For violations under sections 321.288, 321.297,
20 321.299, 321.303, 321.304, subsections 1 and 2, 321.305,
21 321.306, 321.311, 321.312, 321.314, 321.323, 321.340, 321.353,
22 321.354, and 321.395, the scheduled fine is thirty-five
23 dollars.

24 d. For violations under sections 321.302 and 321.366, the
25 scheduled fine is fifty dollars.

26 7. FAILURE TO YIELD OR OBEY VIOLATIONS.

27 a. For a violation by an operator of a motor vehicle under
28 section 321.257, subsection 2, the scheduled fine is thirty-
29 five dollars.

30 b. For violations under sections 321.298, 321.307,
31 321.308, 321.313, 321.319, 321.320, 321.321, 321.327, and
32 321.333, the scheduled fine is thirty-five dollars.

33 c. For a violation under section 321.329, the scheduled
34 violation is fifty dollars.

35 8. TRAFFIC SIGN OR SIGNAL VIOLATIONS. For violations

1 under sections 321.236, subsections 2 and 6, 321.256, 321.294,
2 321.304, subsection 3, and 321.322, the scheduled fine is
3 thirty-five dollars.

4 9. BICYCLE OR PEDESTRIAN VIOLATIONS. For violations by a
5 pedestrian or a bicyclist under section 321.234, subsections 3
6 and 4, 321.236, subsection 10, 321.257, subsection 2, 321.275,
7 subsection 8, 321.325, 321.326, 321.328, 321.331, 321.332,
8 321.397, or 321.434, the scheduled fine is fifteen dollars.

9 10. SCHOOL BUS VIOLATIONS.

10 a. For violations by an operator of a school bus under
11 sections 321.285 and 321.372, subsections 1 and 2, the
12 scheduled fine is thirty-five dollars. However, an excessive
13 speed violation by a school bus of more than ten miles per
14 hour in excess of the limit is not a scheduled violation.

15 b. For a violation under section 321.372, subsection 3,
16 the scheduled violation is one hundred dollars.

17 11. EMERGENCY VEHICLE VIOLATIONS.

18 a. For violations under sections 321.231, 321.367, and
19 321.368 the scheduled fine is thirty-five dollars.

20 b. For a violation under section 321.324, the scheduled
21 fine is fifty dollars.

22 12. RESTRICTIONS ON VEHICLES.

23 a. For violations under sections 321.309, 321.310,
24 321.394, 321.461, and 321.462, the scheduled fine is twenty-
25 five dollars.

26 b. For height, weight, length, width, load violations, and
27 towed vehicle violations under section 321.437, the scheduled
28 fine is twenty-five dollars.

29 c. For violations under sections 321.454, 321.455,
30 321.456, 321.457, and 321.458, the scheduled fine is one
31 hundred dollars.

32 d. For violations under section 321.466, the scheduled
33 fine is twenty dollars for each two thousand pounds or
34 fraction thereof of overweight.

35 e. Violations of the schedule of axle and tandem axle and

1 gross or group of axle weight violations in section 321.463
2 shall be scheduled violations subject to the provisions,
3 procedures, and exceptions contained in sections 805.6 to
4 805.11, irrespective of the amount of the fine under that
5 schedule. Violations of the schedule of weight violations
6 shall be chargeable, where the fine charged does not exceed
7 one thousand dollars, only by uniform citation and complaint.
8 Violations of the schedule of weight violations, where the
9 fine charged exceeds one thousand dollars shall, when the
10 violation is admitted and section 805.9 applies, be chargeable
11 upon uniform citation and complaint, indictment, or county
12 attorney's information, but otherwise, shall be chargeable
13 only upon indictment or county attorney's information.

14 In all cases of charges under the schedule of weight
15 violations, the charge shall specify the amount of fine
16 charged under the schedule. Where a defendant is convicted
17 and the fine under the foregoing schedule of weight violations
18 exceeds one thousand dollars, the conviction shall be of an
19 indictable offense although section 805.9 is employed and
20 whether the violation is charged upon uniform citation and
21 complaint, indictment, or county attorney's information.

22 f. For a violation under section 321E.16, other than the
23 provisions relating to weight, the scheduled fine is one
24 hundred dollars.

25 13. MOTOR CARRIER VIOLATIONS.

26 a. For violations under sections 321.54, 326.22, and
27 326.23, the scheduled fine is twenty dollars.

28 b. For a violation under section 321.449, the scheduled
29 fine is twenty-five dollars.

30 c. For violations under sections 321.208A, 321.364,
31 321.450, 321.460, and 452A.52, the scheduled fine is one
32 hundred dollars.

33 d. For violations of section 325A.3, subsection 5, or
34 section 325A.8, the scheduled fine is fifty dollars.

35 e. For violations of chapter 325A, other than a violation

1 of section 325A.3, subsection 5, or section 325A.8, the
2 scheduled fine is two hundred fifty dollars.

3 f. For failure to have proper carrier identification
4 markings under section 327B.1, the scheduled fine is fifty
5 dollars.

6 g. For failure to have proper evidence of interstate
7 authority carried or displayed under section 327B.1, and for
8 failure to register, carry, or display evidence that
9 interstate authority is not required under section 327B.1, the
10 scheduled fine is two hundred fifty dollars.

11 14. MISCELLANEOUS VIOLATIONS.

12 a. FAILURE TO OBEY A PEACE OFFICER. For a violation under
13 section 321.229, the scheduled fine is thirty-five dollars.

14 b. ABANDONING A MOTOR VEHICLE. For violation under
15 section 321.91, the scheduled fine is one hundred dollars.

16 c. SEAT BELT OR RESTRAINT VIOLATIONS.

17 (1) For a violation under section 321.445, the scheduled
18 fine is twenty-five dollars.

19 (2) For a violation under section 321.446, the scheduled
20 fine is thirty-five dollars.

21 d. LITTER AND DEBRIS VIOLATIONS. For violations under
22 sections 321.369 and 321.370, the scheduled fine is thirty-
23 five dollars.

24 e. OPEN CONTAINER VIOLATIONS. For violations under
25 sections 321.284 and 321.284A, the scheduled fine is one
26 hundred dollars.

27 f. PROOF OF FINANCIAL RESPONSIBILITY. If, in connection
28 with a motor vehicle accident, a person is charged and found
29 guilty of a violation of section 321.20B, subsection 1, the
30 scheduled fine is five hundred dollars, otherwise, the
31 scheduled fine for a violation of section 321.20B, subsection
32 1, is two hundred fifty dollars. Notwithstanding section
33 805.12, fines collected pursuant to this paragraph shall be
34 submitted to the state court administrator and distributed
35 fifty percent to the victim compensation fund established in

1 section 915.94, twenty-five percent to the county in which
2 such fine is imposed, and twenty-five percent to the general
3 fund of the state.

4 g. RADAR-JAMMING DEVICES. For a violation under section
5 321.232, the scheduled fine is fifty dollars.

6 h. RAILROAD CROSSING VIOLATIONS.

7 (1) For violations under sections 321.341, 321.342,
8 321.343, and 321.344, the scheduled fine is one hundred
9 dollars.

10 (2) For a violation under section 321.344B, the scheduled
11 fine is two hundred dollars.

12 i. ROAD WORK ZONE VIOLATIONS. The scheduled fine for any
13 moving traffic violation under chapter 321, as provided in
14 this section, shall be doubled if the violation occurs within
15 any road work zone, as defined in section 321.1.

16 Sec. 3. NEW SECTION. 805.8B NAVIGATION, RECREATION,
17 HUNTING, AND FISHING SCHEDULED VIOLATIONS.

18 1. NAVIGATION VIOLATIONS.

19 a. For violations of registration, inspections,
20 identification, and record provisions under sections 462A.5,
21 462A.35, and 462A.37, and for unused or improper or defective
22 lights and warning devices under section 462A.9, subsections
23 3, 4, 5, 9, and 10, the scheduled fine is ten dollars.

24 b. For violations of registration, identification, and
25 record provisions under sections 462A.4 and 462A.10, and for
26 unused or improper or defective equipment under section
27 462A.9, subsections 2, 6, 7, 8, and 13, and section 462A.11,
28 and for operation violations under sections 462A.26, 462A.31,
29 and 462A.33, the scheduled fine is twenty dollars.

30 c. For operating violations under sections 462A.12,
31 462A.15, subsection 1, sections 462A.24, and 462A.34, the
32 scheduled fine is twenty-five dollars. However, a violation
33 of section 462A.12, subsection 2, is not a scheduled
34 violation.

35 d. For violations of use, location, and storage of

1 vessels, devices, and structures under sections 462A.27,
2 462A.28, and 462A.32, the scheduled fine is fifteen dollars.

3 e. For violations of all subdivision ordinances under
4 section 462A.17, subsection 2, except those relating to
5 matters subject to regulation by authority of section 462A.31,
6 subsection 5, the scheduled fine is the same as prescribed for
7 similar violations of state law. For violations of
8 subdivision ordinances for which there is no comparable state
9 law, the scheduled fine is ten dollars.

10 2. SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.

11 a. For registration violations under section 321G.3, the
12 scheduled fine is twenty dollars. When the scheduled fine is
13 paid, the violator shall submit sufficient proof that a valid
14 registration has been obtained.

15 b. For operating violations under section 321G.9,
16 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, and
17 321G.13, subsections 4 and 9, the scheduled fine is twenty
18 dollars.

19 c. For improper or defective equipment under section
20 321G.12, the scheduled fine is ten dollars.

21 d. For violations of section 321G.19, the scheduled fine
22 is fifteen dollars.

23 e. For identification violations under section 321G.5, the
24 scheduled fine is ten dollars.

25 3. HUNTING AND FISHING VIOLATIONS.

26 a. For violations of section 484A.2, the scheduled fine is
27 ten dollars.

28 b. For violations of sections 481A.54, 481A.69, 481A.71,
29 481A.72, 482.6, 483A.3, 483A.6, 483A.19, and 483A.27, the
30 scheduled fine is twenty dollars.

31 c. For violations of sections 481A.6, 481A.21, 481A.22,
32 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, 481A.83,
33 481A.84, 481A.92, 481A.123, 481A.145, subsection 3, sections
34 482.7, 483A.7, 483A.8, 483A.23, and 483A.24, the scheduled
35 fine is twenty-five dollars.

1 d. For violations of sections 481A.7, 481A.24, 481A.47,
2 481A.52, 481A.53, 481A.55, 481A.58, 481A.76, 481A.90, 481A.91,
3 481A.97, 481A.122, 481A.126, 481A.142, 481A.145, subsection 2,
4 sections 482.8, and 483A.37, the scheduled fine is fifty
5 dollars.

6 e. For violations of sections 481A.85, 481A.93, 481A.95,
7 481A.120, 481A.137, 481B.5, 482.3, 482.9, 482.15, and 483A.42,
8 the scheduled fine is one hundred dollars.

9 f. For violations of section 481A.38 relating to the
10 taking, pursuing, killing, trapping or ensnaring, buying,
11 selling, possessing, or transporting any game, protected
12 nongame animals, fur-bearing animals, or fur or skin of the
13 animals, mussels, frogs, or fish or part of them, the
14 scheduled fines are as follows:

15 (1) For deer or turkey, the scheduled fine is one hundred
16 dollars.

17 (2) For protected nongame, the scheduled fine is one
18 hundred dollars.

19 (3) For mussels, frogs, spawn, or fish, the scheduled fine
20 is twenty-five dollars.

21 (4) For other game, the scheduled fine is fifty dollars.

22 (5) For fur-bearing animals, the scheduled fine is
23 seventy-five dollars.

24 g. For violations of section 481A.38 relating to an
25 attempt to take, pursue, kill, trap, buy, sell, possess, or
26 transport any game, protected nongame animals, fur-bearing
27 animals, or fur or skin of the animals, mussels, frogs, or
28 fish or part of them, the scheduled fines are as follows:

29 (1) For game or fur-bearing animals, the scheduled fine is
30 fifty dollars.

31 (2) For protected nongame, the scheduled fine is fifty
32 dollars.

33 (3) For mussels, frogs, spawn, or fish, the scheduled fine
34 is ten dollars.

35 h. For violations of section 481A.48 relating to

1 restrictions on game birds and animals, the scheduled fines
2 are as follows:

3 (1) Out-of-season, the scheduled fine is one hundred
4 dollars.

5 (2) Over limit, the scheduled fine is one hundred dollars.

6 (3) Attempt to take, the scheduled fine is fifty dollars.

7 (4) General waterfowl restrictions, the scheduled fine is
8 fifty dollars.

9 (a) No federal stamp, the scheduled fine is fifty dollars.

10 (b) Unplugged shotgun, the scheduled fine is ten dollars.

11 (c) Possession of other than steel shot, the scheduled
12 fine is twenty-five dollars.

13 (d) Early or late shooting, the scheduled fine is twenty-
14 five dollars.

15 (5) Possession of a prohibited pistol or revolver while
16 hunting deer, the scheduled fine is one hundred dollars.

17 i. For violations of section 481A.67 relating to general
18 violations of fishing laws, the scheduled fine is twenty-five
19 dollars.

20 (1) For over limit catch, the scheduled fine is thirty
21 dollars.

22 (2) For under minimum length or weight, the scheduled fine
23 is twenty dollars.

24 (3) For out-of-season fishing, the scheduled fine is fifty
25 dollars.

26 j. For violations of section 481A.73 relating to trotlines
27 and throwlines:

28 (1) For trotline or throwline violations in legal waters,
29 the scheduled fine is twenty-five dollars.

30 (2) For trotline or throwline violations in illegal
31 waters, the scheduled fine is fifty dollars.

32 k. For violations of section 481A.144, subsection 4, or
33 section 481A.145, subsections 4, 5, and 6, relating to
34 minnows:

35 (1) For general minnow violations, the scheduled fine is

1 twenty-five dollars.

2 (2) For commercial purposes, the scheduled fine is fifty
3 dollars.

4 1. For violations of section 481A.87 relating to the
5 taking or possessing of fur-bearing animals out of season:

6 (1) For red fox, gray fox, or mink, the scheduled fine is
7 one hundred dollars.

8 (2) For all other furbearers, the scheduled fine is fifty
9 dollars.

10 m. For violations of section 482.4 relating to gear tags:

11 (1) For commercial license violations, the scheduled fine
12 is one hundred dollars.

13 (2) For no gear tags, the scheduled fine is twenty-five
14 dollars.

15 n. For violations of section 482.11 relating to turtles:

16 (1) For commercial turtle violations, the scheduled fine
17 is one hundred dollars.

18 (2) For sport turtle violations, the scheduled fine is
19 fifty dollars.

20 o. For violations of section 482.12 relating to mussels:

21 (1) For commercial mussel violations, the scheduled fine
22 is one hundred dollars.

23 (2) For sport mussel violations, the scheduled fine is
24 fifty dollars.

25 p. For violations of section 483A.1 relating to licenses
26 and permits, the scheduled fines are as follows:

27 (1) For a license or permit costing ten dollars or less,
28 the scheduled fine is twenty dollars.

29 (2) For a license or permit costing more than ten dollars
30 but not more than twenty dollars, the scheduled fine is thirty
31 dollars.

32 (3) For a license or permit costing more than twenty
33 dollars but not more than forty dollars, the scheduled fine is
34 fifty dollars.

35 (4) For a license or permit costing more than forty

1 dollars but not more than fifty dollars, the scheduled fine is
2 seventy dollars.

3 (5) For a license or permit costing more than fifty
4 dollars, the scheduled fine is one hundred dollars.

5 q. For violations of section 483A.26 relating to false
6 claims for licenses:

7 (1) For making a false claim for a license by a resident,
8 the scheduled fine is fifty dollars.

9 (2) For making a false claim for a license by a
10 nonresident, the scheduled fine is one hundred dollars.

11 r. For violations of section 483A.36 relating to the
12 conveyance of guns:

13 (1) For conveying an assembled, unloaded gun, the
14 scheduled fine is twenty-five dollars.

15 (2) For conveying a loaded gun, the scheduled fine is
16 fifty dollars.

17 4. GINSENG VIOLATIONS. For a violation of section
18 456A.24, subsection 11, the scheduled fine is one hundred
19 dollars.

20 5. EURASIAN WATER MILFOIL VIOLATIONS. For violations of
21 section 456A.37, subsection 5, the scheduled fine is one
22 hundred dollars.

23 6. MISUSE OF PARKS AND PRESERVES.

24 a. For violations under sections 461A.39, 461A.45, and
25 461A.50, the scheduled fine is ten dollars.

26 b. For violations under sections 461A.40, 461A.43,
27 461A.46, and 461A.49, the scheduled fine is fifteen dollars.

28 c. For violations of section 461A.44, the scheduled fine
29 is fifty dollars.

30 d. For violations of section 461A.48, the scheduled fine
31 is twenty-five dollars.

32 Sec. 4. NEW SECTION. 805.8C MISCELLANEOUS SCHEDULED
33 VIOLATIONS.

34 1. ENERGY EMERGENCY VIOLATIONS. For violations of an
35 executive order issued by the governor under the provisions of

1 section 473.8, the scheduled fine is fifty dollars.

2 2. ALCOHOLIC BEVERAGE VIOLATIONS. For violations of
3 section 123.49, subsection 2, paragraph "h", the scheduled
4 fine for a licensee or permittee is one thousand five hundred
5 dollars, and the scheduled fine for a person who is employed
6 by a licensee or permittee is five hundred dollars.

7 3. SMOKING VIOLATIONS.

8 a. For violations of section 142B.6, the scheduled fine is
9 twenty-five dollars, and is a civil penalty, and the criminal
10 penalty surcharge under section 911.2 shall not be added to
11 the penalty, and the court costs pursuant to section 805.9,
12 subsection 6, shall not be imposed. If the civil penalty
13 assessed for a violation of section 142B.6 is not paid in a
14 timely manner, a citation shall be issued for the violation in
15 the manner provided in section 804.1. However, a person under
16 age eighteen shall not be detained in a secure facility for
17 failure to pay the civil penalty. The complainant shall not
18 be charged a filing fee.

19 b. For violations of section 453A.2, subsection 1, by an
20 employee of a retailer, the scheduled fine is as follows:

21 (1) If the violation is a first offense, the scheduled
22 fine is one hundred dollars.

23 (2) If the violation is a second offense, the scheduled
24 fine is two hundred fifty dollars.

25 (3) If the violation is a third or subsequent offense, the
26 scheduled fine is five hundred dollars.

27 c. For violations of section 453A.2, subsection 2, the
28 scheduled fine is as follows and is a civil penalty, and the
29 criminal penalty surcharge under section 911.2 shall not be
30 added to the penalty, and the court costs pursuant to section
31 805.9, subsection 6, shall not be imposed:

32 (1) If the violation is a first offense, the scheduled
33 fine is fifty dollars.

34 (2) If the violation is a second offense, the scheduled
35 fine is one hundred dollars.

1 (3) If the violation is a third or subsequent offense, the
2 scheduled fine is two hundred fifty dollars.

3 Sec. 5. CODE EDITOR DIRECTIONS. The Code editor shall
4 make any necessary changes to the Code in order to conform any
5 provisions of the Code with this Act.

6 EXPLANATION

7 This bill makes changes to scheduled fine amounts and
8 reorganizes Code section 805.8 relating to scheduled fines.
9 The bill separates Code section 805.8 into three new sections
10 805.8A (motor vehicle and transportation-related offenses),
11 805.8B (navigation, recreation, hunting, and fishing
12 offenses), and 805.8C (miscellaneous offenses). The bill does
13 not change any scheduled fine amounts for offenses moved to
14 new Code sections 805.8B and 805.8C, the offenses were merely
15 reorganized from Code section 805.8 into the new Code
16 sections. The bill does, however, change certain scheduled
17 fine amounts in new Code section 805.8A which relate to motor
18 vehicle and transportation offenses. (Only one offense was
19 moved from the recreation to the transportation offenses, that
20 being the improper operation of an all-terrain vehicle, with a
21 fine decrease from \$100 to \$50.) A scheduled violation is a
22 simple misdemeanor that allows a defendant to pay a fixed fine
23 amount plus court costs and surcharge without ever making a
24 formal court appearance.

25 PARKING VIOLATIONS. The bill increases a parking fine from
26 \$5 to \$10 under Code sections 321.236, 321.239, 321.358,
27 321.360, and 321.361. The bill increases the maximum parking
28 fine amount if the fine is not paid after 30 days from \$10 to
29 \$15. The unsecured appearance bond required for a parking
30 violation is also increased from \$5 to \$10.

31 The bill changes a violation under Code section 321L.3
32 (returning of persons with disabilities parking permit) and
33 321L.7 (failure to provide persons with disabilities parking
34 spaces), from a simple misdemeanor to a simple misdemeanor
35 punishable as a scheduled violation, but the fine amount

1 remains at \$100.

2 REGISTRATION AND TITLE VIOLATIONS. The bill increases the
3 fine amount from \$5 to \$10 for the following offenses:
4 failure to carry a registration card (321.32); miscellaneous
5 registration violations (321.34); failure to properly display
6 plates (321.37); failure to properly maintain plates (321.38);
7 and failure to give notice of name or address or special fuel
8 change (321.41). The bill increases the fine amount from \$20
9 to \$30 for the following offenses: operating a vehicle that
10 is not properly registered (321.17); failure to have required
11 registration and financial liability coverage if doing
12 business in the state (321.55); operating or allowing to
13 operate without registration (321.98). The bill decreases the
14 fine amount from \$100 to \$30 for the following offenses:
15 transfers of title by operation of law (321.47); and antique
16 car registration violations (321.115). The bill also
17 decreases the fine amount from \$100 to \$50 under Code section
18 321.57 for failure to have proper plates by a manufacturer or
19 dealer.

20 EQUIPMENT VIOLATIONS. The bill decreases the fine amount
21 from \$20 to \$10 under Code section 321.386 for failure to have
22 or to comply with motorcycle headlight provisions. The bill
23 increases the fine amount from \$10 to \$15 under Code section
24 321.438, subsections 1 and 3, for failure to maintain certain
25 windshield requirements. The bill decreases the fine amount
26 from \$100 to \$20 for the following offense: special
27 restrictions on lamps (321.421). The bill increases the fine
28 amount from \$25 to \$50 under Code section 321.381 for movement
29 of unsafe or improperly equipped vehicles. The bill decreases
30 the fine amount from \$100 to \$50 under Code section 321.247
31 for improper operation of a golf cart, and Code section
32 321.234A, for improper operation of an all-terrain vehicle.
33 The bill changes the penalty under Code section 321.381A
34 (operation of a low-speed vehicle) from a simple misdemeanor
35 to a simple misdemeanor punishable as a scheduled violation in

1 the amount of \$50. The bill increases the fine amount from
2 \$20 to \$35 under Code section 321.430 for defective or
3 improperly used brakes.

4 DRIVER'S LICENSE VIOLATIONS. The bill increases the fine
5 from \$20 to \$30 for the following offenses: operating with an
6 expired license (321.174A); instruction permit violations
7 (321.180); graduated driver's license violations (321.180B);
8 violations of restrictions placed on license (321.193); and
9 violations of a school permit (321.194). The bill makes Code
10 section 321.216B (use of driver's license or nonoperator
11 identification card to unlawfully obtain alcohol) a scheduled
12 violation punishable by a \$100 fine. The bill also makes Code
13 section 321.216C (use of driver's license or nonoperator
14 identification card to unlawfully obtain tobacco products) a
15 scheduled violation punishable by a fine of \$100.

16 SPEED VIOLATIONS IN SPEED ZONES OF FIFTY-FIVE MILES OR LESS
17 PER HOUR. The bill increases the fine amount in the following
18 manner: if the vehicle is in excess of the posted speed of
19 greater than 5 but not more than 10 miles per hour, the fine
20 increases from \$20 to \$30; if the vehicle is in excess of the
21 posted speed of greater than 10 but not more than 15 miles per
22 hour, the fine increases from \$30 to \$40; if the vehicle is in
23 excess of the posted speed of greater than 15 but not more
24 than 20 miles per hour, the fine increases from \$40 to \$50;
25 and if the vehicle is in excess of 20 miles per hour over the
26 posted speed, the fine increases from \$40 to \$50, and the
27 incremental fine amount for each mile per hour over 20 miles
28 per hour increases from \$2 per mile per hour to \$5 per mile
29 per hour, which is in addition to the \$50 fine.

30 SPEED VIOLATIONS IN SPEED ZONES GREATER THAN FIFTY-FIVE
31 MILES PER HOUR. The bill increases the fine amount for
32 speeding in the following manner: if the vehicle is in excess
33 of the posted speed of greater than 5 but not more than 10
34 miles per hour, the fine increases from \$20 to \$30; if the
35 vehicle is in excess of the posted speed of greater than 10

1 but not more than 15 miles per hour, the fine increases from
2 \$40 to \$50; and if the vehicle is in excess of the posted
3 speed of greater than 15 but not more than 20 miles per hour,
4 the fine increases from \$60 to \$70, and the incremental fine
5 amount for each mile per hour over 20 miles per hour increases
6 from \$2 per mile per hour to \$5 per mile per hour, which is in
7 addition to the \$70 fine.

8 SPEED VIOLATIONS ON A BRIDGE. The bill increases the fine
9 amount under Code section 321.295 from \$15 to \$30.

10 OPERATING VIOLATIONS. The bill increases the fine amount
11 from \$15 to \$20 under Code section 321.236, subsections 3, 4,
12 9, and 12, which pertain to local parking ordinances
13 (designated one-ways, snow routes, U-turns, and processions).
14 The bill increases the fine amount from \$15 to \$25 for the
15 following offenses: motorcycle violations (321.275,
16 subsections 1 through 7); failure to give continuous turn
17 signal (321.315); failure to stop or suddenly decreasing speed
18 (321.316); incorrect hand signal (321.318); driving with
19 obstructed view or control (321.363); and coasting on a
20 downgrade (321.365). The bill increases the fine amount from
21 \$20 to \$35 under Code section 321.288 for failure to maintain
22 control. The bill increases the fine amount from \$15 to \$35
23 for the following offenses: for driving on wrong side of the
24 highway (321.297); passing on wrong side of road (321.299);
25 unsafe passing (321.303); passing too near a bridge,
26 intersection, or railroad crossing (321.304, subsections 1 and
27 2); violating one-way traffic designation (321.305); improper
28 use of lanes (321.306); turning from improper lane (321.111);
29 making unsafe U-turn (321.312); unsafe turn or failure to give
30 signal (321.314); unsafe backing on highway (321.323); driving
31 in or through a safety zone (321.340); unsafe entry onto
32 sidewalk or road (321.353); stopping on traveled portion of
33 highway (321.354); and parking on certain roads without
34 activating parking lights (321.395). The bill decreases the
35 fine amount from \$100 to \$50 for the following offenses:

1 overtaking on right (321.302); and acts prohibited on fully
2 controlled-access roads (321.366).

3 FAILURE TO YIELD OR OBEY VIOLATIONS. The bill increases
4 the fine amount from \$20 to \$35 for the following offenses:
5 various failure to yield violations (321.257, subsection 2);
6 failure to yield half of road (321.298); following too closely
7 (321.307); following too closely by motor trucks or towing
8 vehicles (321.308); unsafe starting of a stopped vehicle
9 (321.313); failure to yield to vehicle on the right (321.319);
10 failure to yield upon left turn (321.320); failure to yield
11 upon entering a highway (321.321); and failure to yield to
12 blind person (321.333). The bill increases the fine amount
13 from \$20 to \$50 under Code section 321.329 for failure to
14 yield to a pedestrian. The bill decreases the fine amount
15 from \$100 to \$35 under Code section 321.327 for violation of a
16 pedestrian's right-of-way.

17 TRAFFIC SIGN OR SIGNAL VIOLATIONS. The bill increases the
18 fine amount from \$20 to \$35 for the following offenses: local
19 traffic ordinances (321.236, subsections 2 and 6); failure to
20 obey traffic control device (321.256); failure to maintain
21 minimum speed when directed by police officer (321.294);
22 violation of posted highway signs which direct traffic
23 (321.304, subsection 3); and failure to obey a stop or yield
24 sign (321.322).

25 BICYCLE OR PEDESTRIAN VIOLATIONS. The bill increases the
26 fine amount from \$10 to \$15 for the following offenses:
27 bicycle rider not riding on proper seat or too many persons on
28 bicycle (321.234, subsections 3 and 4); local authority
29 regulation of bicycles (321.236, subsection 10); failure by
30 pedestrian or bicycle rider to obey walk light (321.257,
31 subsection 2); failure by pedestrian to obey traffic control
32 device (321.325); pedestrian walking on wrong side of highway
33 (321.326); pedestrian failure to use crosswalk (321.328);
34 soliciting rides from within roadway (321.331); unlawful use
35 of white cane (331.332); improper light on bicycle (321.397);

1 and use of siren or whistle on a bicycle (321.434). The bill
2 increases the fine from \$5 to \$15 under Code section 321.275,
3 subsection 8, for failure to display bicycle safety flag.

4 SCHOOL BUS VIOLATIONS. The bill increases the fine from
5 \$25 to \$35 for violations by a school bus driver under Code
6 sections 321.285 and 321.372, subsections 1 and 2. The bill
7 provides that an excessive speed violation by a school bus of
8 more than 10 miles per hour in excess of the limit is not a
9 scheduled fine.

10 EMERGENCY VEHICLE VIOLATIONS. The bill increases the fine
11 from \$10 to \$35 for a violation under Code section 321.231 for
12 failure of a driver of an emergency vehicle to exercise
13 caution. The bill increases the fine from \$20 to \$35 for
14 failure to maintain distance from a fire-fighting vehicle
15 under Code section 321.367. The bill increases the fine from
16 \$15 to \$35 for crossing an unprotected firehose under Code
17 section 321.368. The bill increases the fine from \$25 to \$50
18 for failure to yield to an emergency vehicle under Code
19 section 321.324.

20 RESTRICTIONS ON VEHICLES. The bill increases the fine
21 amount from \$25 to \$100 for the following offenses: width and
22 length violations (321.454); excess side projection of load
23 passenger vehicle (321.455); excess height (321.456); excess
24 length (321.457); and excess projection from front of the
25 vehicle (321.458).

26 MOTOR CARRIER VIOLATIONS. The bill increases the fine from
27 \$50 to \$100 for the following offenses: improper hauling of
28 food intended for human consumption (321.364), and hazardous
29 material transportation (321.450). The bill increases the
30 fine from \$15 to \$50 for failure to have proper carrier
31 identification markings under Code section 327B.1. The bill
32 increases the fine from \$100 to \$250 for the following
33 offenses under Code section 327B.1, failure to have proper
34 evidence of interstate authority carried or displayed, and
35 failure to register, carry, or display evidence that

1 interstate authority is not required.

2 LITTER AND DEBRIS VIOLATIONS. The bill increases the fine
3 from \$25 to \$35 for the following offenses: for littering
4 (321.369), and for failing to remove debris from the highway
5 (321.370).

6 FAILURE TO OBEY A PEACE OFFICER. The bill increases the
7 fine from \$20 to \$35 under Code section 321.229 for failure to
8 obey a peace officer.

9 SEAT BELT VIOLATIONS. The bill increases the fine from \$10
10 to \$25 under Code section 321.445 for failing to wear a seat
11 belt. The bill increases the fine from \$10 to \$35 under Code
12 section 321.446 for failing to secure a child in a vehicle.

13 OPEN CONTAINER VIOLATION. The bill increases the fine from
14 \$50 to \$100 under Code sections 321.284 and 321.284A relating
15 to open containers in a motor vehicle.

16 RADAR-JAMMING DEVICES. The bill increases the fine from
17 \$10 to \$50 under Code section 321.232 relating to use of
18 radar-jamming devices.

19 CODE EDITING. The bill will require numerous internal
20 reference changes before enactment.

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SENATE FILE 499

S-3204

- 1 Amend Senate File 499 as follows:
- 2 1. Page 7, by striking lines 17 through 20 and
- 3 inserting the following: "For violations under
- 4 sections 321.445 and 321.446, the scheduled fine is
- 5 twenty-five dollars."

By EUGENE S. FRAISE
ROBERT E. DVORSKY

S-3204 FILED MARCH 20, 2001

Adopted 3/27/01 (P. 840)

SENATE FILE 499

S-3216

- 1 Amend Senate File 499 as follows:
- 2 1. Page 4, line 31, by inserting after the figure
- 3 "321.327," the following: "321.329,".
- 4 2. Page 4, by striking lines 33 and 34.
- 5 3. By renumbering as necessary.

By O. GENE MADDOX

Adopted 3/27/01 (P. 840)

S-3216 FILED MARCH 21, 2001

SENATE FILE 499

S-3249

- 1 Amend Senate File 499 as follows:
- 2 1. Page 1, line 16, by inserting after the word
- 3 "Code" the following: ", except that the scheduled
- 4 fines in section 805.8A shall remain at the respective
- 5 scheduled fine amounts in the 2001 Code until such
- 6 time as the speed limit for all vehicular traffic on
- 7 fully controlled-access, divided, multilaned highways,
- 8 including the national system of interstate highways
- 9 is seventy miles per hour".

By MERLIN E. BARTZ
KEN VEENSTRA
JEFF LAMBERTI
JOHN REDWINE
DERRYL McLAREN
STEVE KING
MIKE SEXTON

JERRY BEHN
JOHN P. KIBBIE
WALLY E. HORN
E. THURMAN GASKILL
NEAL SCHUERER
STEVEN D. HANSEN
MARY LOU FREEMAN

S-3249 FILED MARCH 27, 2001

LOST 3-27-01
(P 839)

**SENATE FILE 499
FISCAL NOTE**

A fiscal note for Senate File 499 is hereby submitted pursuant to Article IV, Section 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 499 makes changes to the scheduled fine amounts and surcharges in Section 805.8, Code of Iowa. The Bill separates Section 805.8 into three sections: 805.8A (motor vehicle and transportation-related offenses); 805.8B (navigation, recreation, hunting, and fishing offenses); and 805.8C (miscellaneous offenses).

ASSUMPTIONS

1. Charge, conviction, and sentencing trends and patterns will not change over the projections period.
2. Prisoner length of stay, revocation rates, and other correction policies and practices will not change over the projections period.
3. The law will become effective July 1, 2001, and increased fines will be immediately applicable beginning on that date.
4. County revenues may be underestimated due to insufficient data available to provide a more reliable estimate.
5. There were approximately 110,000 convictions during FY 2000 that may have been affected if the proposed new fines had been in effect, based on the Justice Data Warehouse information, which includes statewide conviction information.
6. The collection rate for the additional fine and surcharge amounts imposed under this proposal are between 82% and 97%, depending on the amount of the fine.
7. The 30% surcharge is included in the fiscal impact.

FISCAL IMPACT

Senate File 499 will result in increased fine revenues as follows:

Year 1

Total State General Fund	\$2,801,000
Total Victim Compensation Fund	\$ 134,000
Total Road Use Tax Fund	\$ 8,000
Total County/Local Government	\$ 779,000

Year 2

Total State General Fund	\$3,268,000
Total Victim Compensation Fund	\$ 159,000
Total Road Use Tax Fund	\$ 9,000
Total County/Local Government	\$ 907,000

Year 5

-2-

Total State General Fund	\$3,297,000
Total Victim Compensation Fund	\$ 160,000
Total Road Use Tax Fund	\$ 9,000
Total County/Local Government	\$ 915,000

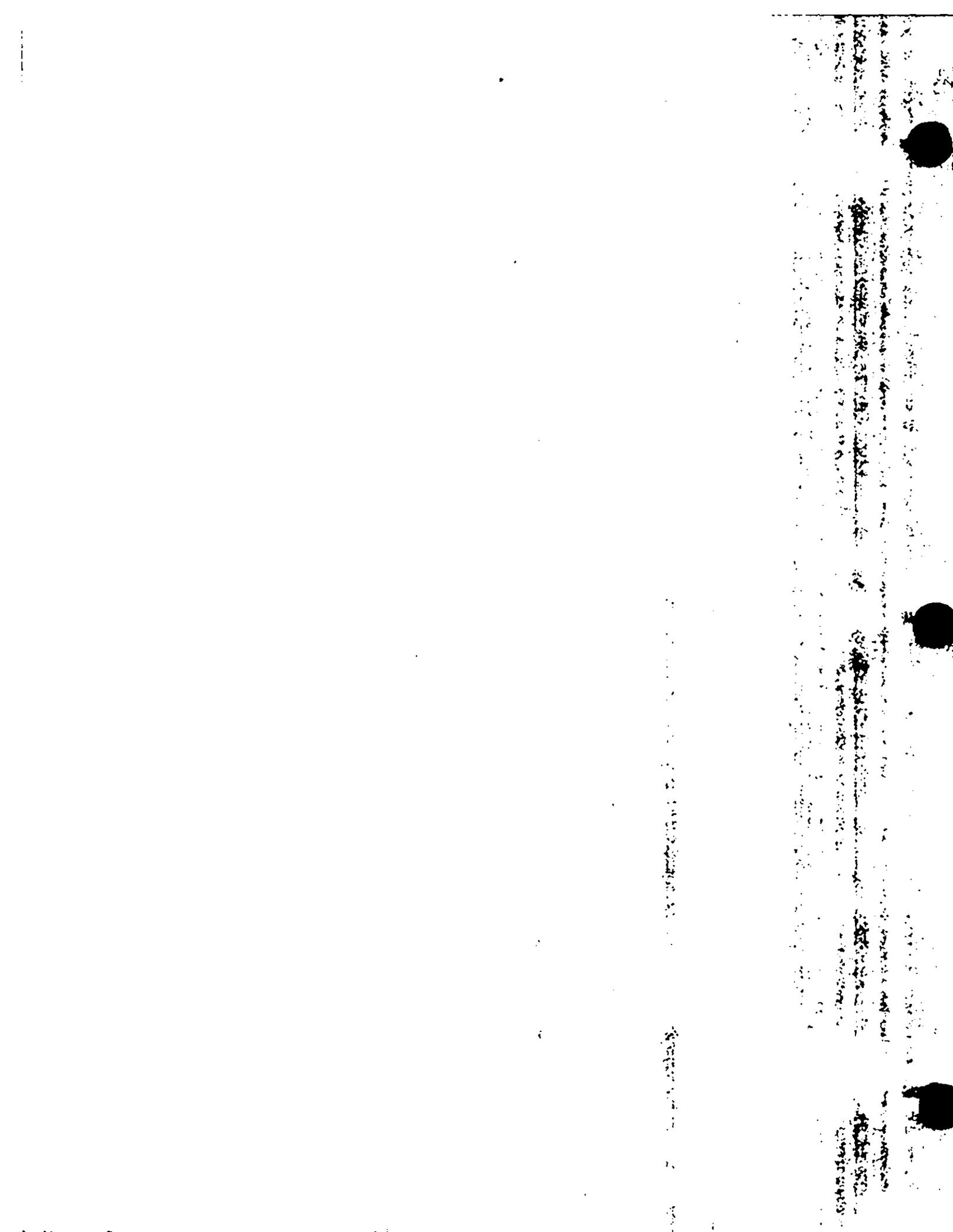
SOURCE

Criminal and Juvenile Justice Planning Division, Department of Human Rights

(LSB 1144SV, JDD)

FILED MARCH 22, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR



1 Section 1. Section 805.8, Code 2001, is amended by
2 striking the section and inserting in lieu thereof the
3 following:

4 805.8 SCHEDULED VIOLATIONS.

5 1. APPLICATION. Except as otherwise indicated, violations
6 of sections of the Code specified in sections 805.8A, 805.8B,
7 and 805.8C, are scheduled violations, and the scheduled fine
8 for each of those violations is as provided in those sections,
9 whether the violation is of state law or of a county or city
10 ordinance. The criminal penalty surcharge required by section
11 911.2 shall be added to the scheduled fine.

12 2. DESCRIPTION OF VIOLATIONS. The descriptions of
13 offenses used in sections 805.8A, 805.8B, and 805.8C, are for
14 convenience only and shall not be construed to define any
15 offense or to include or exclude any offense other than those
16 specifically included or excluded by reference to the Code. A
17 reference to a section or subsection of the Code without
18 further limitation includes every offense defined by that
19 section or subsection.

20 Sec. 2. NEW SECTION. 805.8A MOTOR VEHICLE AND
21 TRANSPORTATION SCHEDULED VIOLATIONS.

22 1. PARKING VIOLATIONS.

23 a. For parking violations under sections 321.236, 321.239,
24 321.358, 321.360, and 321.361, the scheduled fine is ten
25 dollars. The scheduled fine for a parking violation of
26 section 321.236 increases in an amount up to fifteen dollars,
27 as authorized by ordinance pursuant to section 321.236,
28 subsection 1, paragraph "a", if the parking violation is not
29 paid within thirty days of the date upon which the violation
30 occurred. For purposes of calculating the unsecured
31 appearance bond required under section 805.6, the scheduled
32 fine shall be ten dollars. However, violations charged by a
33 city or county upon simple notice of a fine instead of a
34 uniform citation and complaint as permitted by section
35 321.236, subsection 1, paragraph "a", are not scheduled

1 violations, and this section shall not apply to any offense
2 charged in that manner. For a parking violation under section
3 321.362 or 461A.38, the scheduled fine is ten dollars.

4 b. For a parking violation under section 321L.2A,
5 subsection 2, the scheduled fine is twenty dollars.

6 c. For violations under section 321L.2A, subsection 3,
7 321L.3, 321L.4, subsection 2, and 321L.7, the scheduled fine
8 is one hundred dollars.

9 2. TITLE OR REGISTRATION VIOLATIONS.

10 a. For violations under sections 321.32, 321.34, 321.37,
11 321.38, and 321.41, the scheduled fine is ten dollars.

12 b. For violations under sections 321.17, 321.47, 321.55,
13 321.98, and 321.115, the scheduled fine is thirty dollars.

14 c. For violations under sections 321.25, 321.45, 321.46,
15 321.48, 321.52, 321.57, 321.62, 321.67, and 321.104, the
16 scheduled fine is fifty dollars.

17 d. For a violation under section 321.99, the scheduled
18 fine is one hundred dollars.

19 3. EQUIPMENT VIOLATIONS.

20 a. For violations under sections 321.317, 321.386,
21 321.387, 321.388, 321.389, 321.390, 321.392, 321.393, 321.422,
22 321.432, 321.436, 321.439, 321.440, 321.441, 321.442, and
23 321.444, the scheduled fine is ten dollars.

24 b. For improperly used or nonused, or defective or
25 improper equipment, other than brakes, driving lights and
26 brake lights, under section 321.437, the scheduled fine is ten
27 dollars.

28 c. For violations under sections 321.382, 321.404A, and
29 321.438, the scheduled fine is fifteen dollars.

30 d. For violations of sections 321.383, 321.384, 321.385,
31 321.398, 321.402, 321.403, 321.404, 321.409, 321.415, 321.419,
32 321.420, 321.421, 321.423, and 321.433, the scheduled fine is
33 twenty dollars.

34 e. For a violation of section 321.430, the scheduled
35 violation is thirty-five dollars.

1 f. For violations under sections 321.234A, 321.247,
2 321.381, and 321.381A, the scheduled fine is fifty dollars.

3 4. DRIVER'S LICENSE VIOLATIONS.

4 a. For violations under sections 321.174A, 321.180,
5 321.180B, 321.193, and 321.194, the scheduled fine is thirty
6 dollars.

7 b. For a violation of section 321.216, the scheduled
8 violation is seventy-five dollars.

9 c. For violations under sections 321.174, 321.216B,
10 321.216C, 321.219, and 321.220, the scheduled fine is one
11 hundred dollars.

12 5. SPEED VIOLATIONS.

13 a. For excessive speed violations in excess of the limit
14 under section 321.236, subsections 5 and 11, sections 321.285,
15 and 461A.36, the scheduled fine shall be the following:

16 (1) Ten dollars for speed not more than five miles per
17 hour in excess of the limit.

18 (2) Thirty dollars for speed greater than five but not
19 more than ten miles per hour in excess of the limit.

20 (3) Forty dollars for speed greater than ten but not more
21 than fifteen miles per hour in excess of the limit.

22 (4) Fifty dollars for speed greater than fifteen but not
23 more than twenty miles per hour in excess of the limit.

24 (5) Fifty dollars plus five dollars for each mile per hour
25 of excessive speed over twenty miles per hour over the limit.

26 b. Notwithstanding paragraph "a", for excessive speed
27 violations in speed zones greater than fifty-five miles per
28 hour, the scheduled fine shall be:

29 (1) Ten dollars for speed not more than five miles per
30 hour in excess of the limit.

31 (2) Thirty dollars for speed greater than five but not
32 more than ten miles per hour in excess of the limit.

33 (3) Fifty dollars for speed greater than ten but not more
34 than fifteen miles per hour in excess of the limit.

35 (4) Seventy dollars for speed greater than fifteen but not

1 more than twenty miles per hour in excess of the limit.

2 (5) Seventy dollars plus five dollars for each mile per
3 hour of excessive speed over twenty miles per hour over the
4 limit.

5 c. Excessive speed in whatever amount by a school bus is
6 not a scheduled violation under any section listed in this
7 subsection.

8 d. Excessive speed in conjunction with a violation of
9 section 321.278 is not a scheduled violation, whatever the
10 amount of excess speed.

11 e. For a violation under section 321.295, the scheduled
12 fine is thirty dollars.

13 6. OPERATING VIOLATIONS.

14 a. For a violation under section 321.236, subsections 3,
15 4, 9, and 12, the scheduled fine is twenty dollars.

16 b. For violations under sections 321.275, subsections 1
17 through 7, 321.277A, 321.315, 321.316, 321.318, 321.363, and
18 321.365, the scheduled fine is twenty-five dollars.

19 c. For violations under sections 321.288, 321.297,
20 321.299, 321.303, 321.304, subsections 1 and 2, 321.305,
21 321.306, 321.311, 321.312, 321.314, 321.323, 321.340, 321.353,
22 321.354, and 321.395, the scheduled fine is thirty-five
23 dollars.

24 d. For violations under sections 321.302 and 321.366, the
25 scheduled fine is fifty dollars.

26 7. FAILURE TO YIELD OR OBEY VIOLATIONS.

27 a. For a violation by an operator of a motor vehicle under
28 section 321.257, subsection 2, the scheduled fine is thirty-
29 five dollars.

30 b. For violations under sections 321.298, 321.307,
31 321.308, 321.313, 321.319, 321.320, 321.321, 321.327, 321.329,
32 and 321.333, the scheduled fine is thirty-five dollars.

*33 8. TRAFFIC SIGN OR SIGNAL VIOLATIONS. For violations
34 under sections 321.236, subsections 2 and 6, 321.256, 321.294,
35 321.304, subsection 3, and 321.322, the scheduled fine is

1 thirty-five dollars.

2 9. BICYCLE OR PEDESTRIAN VIOLATIONS. For violations by a
3 pedestrian or a bicyclist under section 321.234, subsections 3
4 and 4, 321.236, subsection 10, 321.257, subsection 2, 321.275,
5 subsection 8, 321.325, 321.326, 321.328, 321.331, 321.332,
6 321.397, or 321.434, the scheduled fine is fifteen dollars.

7 10. SCHOOL BUS VIOLATIONS.

8 a. For violations by an operator of a school bus under
9 sections 321.285 and 321.372, subsections 1 and 2, the
10 scheduled fine is thirty-five dollars. However, an excessive
11 speed violation by a school bus of more than ten miles per
12 hour in excess of the limit is not a scheduled violation.

13 b. For a violation under section 321.372, subsection 3,
14 the scheduled violation is one hundred dollars.

15 11. EMERGENCY VEHICLE VIOLATIONS.

16 a. For violations under sections 321.231, 321.367, and
17 321.368 the scheduled fine is thirty-five dollars.

18 b. For a violation under section 321.324, the scheduled
19 fine is fifty dollars.

20 12. RESTRICTIONS ON VEHICLES.

21 a. For violations under sections 321.309, 321.310,
22 321.394, 321.461, and 321.462, the scheduled fine is twenty-
23 five dollars.

24 b. For height, weight, length, width, load violations, and
25 towed vehicle violations under section 321.437, the scheduled
26 fine is twenty-five dollars.

27 c. For violations under sections 321.454, 321.455,
28 321.456, 321.457, and 321.458, the scheduled fine is one
29 hundred dollars.

30 d. For violations under section 321.466, the scheduled
31 fine is twenty dollars for each two thousand pounds or
32 fraction thereof of overweight.

33 e. Violations of the schedule of axle and tandem axle and
34 gross or group of axle weight violations in section 321.463
35 shall be scheduled violations subject to the provisions,

1 procedures, and exceptions contained in sections 805.6 to
2 805.11, irrespective of the amount of the fine under that
3 schedule. Violations of the schedule of weight violations
4 shall be chargeable, where the fine charged does not exceed
5 one thousand dollars, only by uniform citation and complaint.
6 Violations of the schedule of weight violations, where the
7 fine charged exceeds one thousand dollars shall, when the
8 violation is admitted and section 805.9 applies, be chargeable
9 upon uniform citation and complaint, indictment, or county
10 attorney's information, but otherwise, shall be chargeable
11 only upon indictment or county attorney's information.

12 In all cases of charges under the schedule of weight
13 violations, the charge shall specify the amount of fine
14 charged under the schedule. Where a defendant is convicted
15 and the fine under the foregoing schedule of weight violations
16 exceeds one thousand dollars, the conviction shall be of an
17 indictable offense although section 805.9 is employed and
18 whether the violation is charged upon uniform citation and
19 complaint, indictment, or county attorney's information.

20 f. For a violation under section 321E.16, other than the
21 provisions relating to weight, the scheduled fine is one
22 hundred dollars.

23 13. MOTOR CARRIER VIOLATIONS.

24 a. For violations under sections 321.54, 326.22, and
25 326.23, the scheduled fine is twenty dollars.

26 b. For a violation under section 321.449, the scheduled
27 fine is twenty-five dollars.

28 c. For violations under sections 321.208A, 321.364,
29 321.450, 321.460, and 452A.52, the scheduled fine is one
30 hundred dollars.

31 d. For violations of section 325A.3, subsection 5, or
32 section 325A.8, the scheduled fine is fifty dollars.

33 e. For violations of chapter 325A, other than a violation
34 of section 325A.3, subsection 5, or section 325A.8, the
35 scheduled fine is two hundred fifty dollars.

1 f. For failure to have proper carrier identification
2 markings under section 327B.1, the scheduled fine is fifty
3 dollars.

4 g. For failure to have proper evidence of interstate
5 authority carried or displayed under section 327B.1, and for
6 failure to register, carry, or display evidence that
7 interstate authority is not required under section 327B.1, the
8 scheduled fine is two hundred fifty dollars.

9 14. MISCELLANEOUS VIOLATIONS.

10 a. FAILURE TO OBEY A PEACE OFFICER. For a violation under
11 section 321.229, the scheduled fine is thirty-five dollars.

12 b. ABANDONING A MOTOR VEHICLE. For violation under
13 section 321.91, the scheduled fine is one hundred dollars.

14 c. SEAT BELT OR RESTRAINT VIOLATIONS. For violations
15 under sections 321.445 and 321.446, the scheduled fine is
16 twenty-five dollars.

17 d. LITTER AND DEBRIS VIOLATIONS. For violations under
18 sections 321.369 and 321.370, the scheduled fine is thirty-
19 five dollars.

20 e. OPEN CONTAINER VIOLATIONS. For violations under
21 sections 321.284 and 321.284A, the scheduled fine is one
22 hundred dollars.

23 f. PROOF OF FINANCIAL RESPONSIBILITY. If, in connection
24 with a motor vehicle accident, a person is charged and found
25 guilty of a violation of section 321.20B, subsection 1, the
26 scheduled fine is five hundred dollars, otherwise, the
27 scheduled fine for a violation of section 321.20B, subsection
28 1, is two hundred fifty dollars. Notwithstanding section
29 805.12, fines collected pursuant to this paragraph shall be
30 submitted to the state court administrator and distributed
31 fifty percent to the victim compensation fund established in
32 section 915.94, twenty-five percent to the county in which
33 such fine is imposed, and twenty-five percent to the general
34 fund of the state.

35 g. RADAR-JAMMING DEVICES. For a violation under section

1 321.232, the scheduled fine is fifty dollars.

2 h. RAILROAD CROSSING VIOLATIONS.

3 (1) For violations under sections 321.341, 321.342,
4 321.343, and 321.344, the scheduled fine is one hundred
5 dollars.

6 (2) For a violation under section 321.344B, the scheduled
7 fine is two hundred dollars.

8 i. ROAD WORK ZONE VIOLATIONS. The scheduled fine for any
9 moving traffic violation under chapter 321, as provided in
10 this section, shall be doubled if the violation occurs within
11 any road work zone, as defined in section 321.1.

12 Sec. 3. NEW SECTION. 805.8B NAVIGATION, RECREATION,
13 HUNTING, AND FISHING SCHEDULED VIOLATIONS.

14 1. NAVIGATION VIOLATIONS.

15 a. For violations of registration, inspections,
16 identification, and record provisions under sections 462A.5,
17 462A.35, and 462A.37, and for unused or improper or defective
18 lights and warning devices under section 462A.9, subsections
19 3, 4, 5, 9, and 10, the scheduled fine is ten dollars.

20 b. For violations of registration, identification, and
21 record provisions under sections 462A.4 and 462A.10, and for
22 unused or improper or defective equipment under section
23 462A.9, subsections 2, 6, 7, 8, and 13, and section 462A.11,
24 and for operation violations under sections 462A.26, 462A.31,
25 and 462A.33, the scheduled fine is twenty dollars.

26 c. For operating violations under sections 462A.12,
27 462A.15, subsection 1, sections 462A.24, and 462A.34, the
28 scheduled fine is twenty-five dollars. However, a violation
29 of section 462A.12, subsection 2, is not a scheduled
30 violation.

31 d. For violations of use, location, and storage of
32 vessels, devices, and structures under sections 462A.27,
33 462A.28, and 462A.32, the scheduled fine is fifteen dollars.

34 e. For violations of all subdivision ordinances under
35 section 462A.17, subsection 2, except those relating to

1 matters subject to regulation by authority of section 462A.31,
2 subsection 5, the scheduled fine is the same as prescribed for
3 similar violations of state law. For violations of
4 subdivision ordinances for which there is no comparable state
5 law, the scheduled fine is ten dollars.

6 2. SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.

7 a. For registration violations under section 321G.3, the
8 scheduled fine is twenty dollars. When the scheduled fine is
9 paid, the violator shall submit sufficient proof that a valid
10 registration has been obtained.

11 b. For operating violations under section 321G.9,
12 subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, and
13 321G.13, subsections 4 and 9, the scheduled fine is twenty
14 dollars.

15 c. For improper or defective equipment under section
16 321G.12, the scheduled fine is ten dollars.

17 d. For violations of section 321G.19, the scheduled fine
18 is fifteen dollars.

19 e. For identification violations under section 321G.5, the
20 scheduled fine is ten dollars.

21 3. HUNTING AND FISHING VIOLATIONS.

22 a. For violations of section 484A.2, the scheduled fine is
23 ten dollars.

24 b. For violations of sections 481A.54, 481A.69, 481A.71,
25 481A.72, 482.6, 483A.3, 483A.6, 483A.19, and 483A.27, the
26 scheduled fine is twenty dollars.

27 c. For violations of sections 481A.6, 481A.21, 481A.22,
28 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, 481A.83,
29 481A.84, 481A.92, 481A.123, 481A.145, subsection 3, sections
30 482.7, 483A.7, 483A.8, 483A.23, and 483A.24, the scheduled
31 fine is twenty-five dollars.

32 d. For violations of sections 481A.7, 481A.24, 481A.47,
33 481A.52, 481A.53, 481A.55, 481A.58, 481A.76, 481A.90, 481A.91,
34 481A.97, 481A.122, 481A.126, 481A.142, 481A.145, subsection 2,
35 sections 482.8, and 483A.37, the scheduled fine is fifty

1 dollars.

2 e. For violations of sections 481A.85, 481A.93, 481A.95,
3 481A.120, 481A.137, 481B.5, 482.3, 482.9, 482.15, and 483A.42,
4 the scheduled fine is one hundred dollars.

5 f. For violations of section 481A.38 relating to the
6 taking, pursuing, killing, trapping or ensnaring, buying,
7 selling, possessing, or transporting any game, protected
8 nongame animals, fur-bearing animals, or fur or skin of the
9 animals, mussels, frogs, or fish or part of them, the
10 scheduled fines are as follows:

11 (1) For deer or turkey, the scheduled fine is one hundred
12 dollars.

13 (2) For protected nongame, the scheduled fine is one
14 hundred dollars.

15 (3) For mussels, frogs, spawn, or fish, the scheduled fine
16 is twenty-five dollars.

17 (4) For other game, the scheduled fine is fifty dollars.

18 (5) For fur-bearing animals, the scheduled fine is
19 seventy-five dollars.

20 g. For violations of section 481A.38 relating to an
21 attempt to take, pursue, kill, trap, buy, sell, possess, or
22 transport any game, protected nongame animals, fur-bearing
23 animals, or fur or skin of the animals, mussels, frogs, or
24 fish or part of them, the scheduled fines are as follows:

25 (1) For game or fur-bearing animals, the scheduled fine is
26 fifty dollars.

27 (2) For protected nongame, the scheduled fine is fifty
28 dollars.

29 (3) For mussels, frogs, spawn, or fish, the scheduled fine
30 is ten dollars.

31 h. For violations of section 481A.48 relating to
32 restrictions on game birds and animals, the scheduled fines
33 are as follows:

34 (1) Out-of-season, the scheduled fine is one hundred
35 dollars.

- 1 (2) Over limit, the scheduled fine is one hundred dollars.
2 (3) Attempt to take, the scheduled fine is fifty dollars.
3 (4) General waterfowl restrictions, the scheduled fine is
4 fifty dollars.
5 (a) No federal stamp, the scheduled fine is fifty dollars.
6 (b) Unplugged shotgun, the scheduled fine is ten dollars.
7 (c) Possession of other than steel shot, the scheduled
8 fine is twenty-five dollars.
9 (d) Early or late shooting, the scheduled fine is twenty-
10 five dollars.
11 (5) Possession of a prohibited pistol or revolver while
12 hunting deer, the scheduled fine is one hundred dollars.
13 i. For violations of section 481A.67 relating to general
14 violations of fishing laws, the scheduled fine is twenty-five
15 dollars.
16 (1) For over limit catch, the scheduled fine is thirty
17 dollars.
18 (2) For under minimum length or weight, the scheduled fine
19 is twenty dollars.
20 (3) For out-of-season fishing, the scheduled fine is fifty
21 dollars.
22 j. For violations of section 481A.73 relating to trotlines
23 and throwlines:
24 (1) For trotline or throwline violations in legal waters,
25 the scheduled fine is twenty-five dollars.
26 (2) For trotline or throwline violations in illegal
27 waters, the scheduled fine is fifty dollars.
28 k. For violations of section 481A.144, subsection 4, or
29 section 481A.145, subsections 4, 5, and 6, relating to
30 minnows:
31 (1) For general minnow violations, the scheduled fine is
32 twenty-five dollars.
33 (2) For commercial purposes, the scheduled fine is fifty
34 dollars.
35 l. For violations of section 481A.87 relating to the

1 taking or possessing of fur-bearing animals out of season:

2 (1) For red fox, gray fox, or mink, the scheduled fine is
3 one hundred dollars.

4 (2) For all other furbearers, the scheduled fine is fifty
5 dollars.

6 m. For violations of section 482.4 relating to gear tags:

7 (1) For commercial license violations, the scheduled fine
8 is one hundred dollars.

9 (2) For no gear tags, the scheduled fine is twenty-five
10 dollars.

11 n. For violations of section 482.11 relating to turtles:

12 (1) For commercial turtle violations, the scheduled fine
13 is one hundred dollars.

14 (2) For sport turtle violations, the scheduled fine is
15 fifty dollars.

16 o. For violations of section 482.12 relating to mussels:

17 (1) For commercial mussel violations, the scheduled fine
18 is one hundred dollars.

19 (2) For sport mussel violations, the scheduled fine is
20 fifty dollars.

21 p. For violations of section 483A.1 relating to licenses
22 and permits, the scheduled fines are as follows:

23 (1) For a license or permit costing ten dollars or less,
24 the scheduled fine is twenty dollars.

25 (2) For a license or permit costing more than ten dollars
26 but not more than twenty dollars, the scheduled fine is thirty
27 dollars.

28 (3) For a license or permit costing more than twenty
29 dollars but not more than forty dollars, the scheduled fine is
30 fifty dollars.

31 (4) For a license or permit costing more than forty
32 dollars but not more than fifty dollars, the scheduled fine is
33 seventy dollars.

34 (5) For a license or permit costing more than fifty
35 dollars, the scheduled fine is one hundred dollars.

1 q. For violations of section 483A.26 relating to false
2 claims for licenses:

3 (1) For making a false claim for a license by a resident,
4 the scheduled fine is fifty dollars.

5 (2) For making a false claim for a license by a
6 nonresident, the scheduled fine is one hundred dollars.

7 r. For violations of section 483A.36 relating to the
8 conveyance of guns:

9 (1) For conveying an assembled, unloaded gun, the
10 scheduled fine is twenty-five dollars.

11 (2) For conveying a loaded gun, the scheduled fine is
12 fifty dollars.

13 4. GINSENG VIOLATIONS. For a violation of section
14 456A.24, subsection 11, the scheduled fine is one hundred
15 dollars.

16 5. EURASIAN WATER MILFOIL VIOLATIONS. For violations of
17 section 456A.37, subsection 5, the scheduled fine is one
18 hundred dollars.

19 6. MISUSE OF PARKS AND PRESERVES.

20 a. For violations under sections 461A.39, 461A.45, and
21 461A.50, the scheduled fine is ten dollars.

22 b. For violations under sections 461A.40, 461A.43,
23 461A.46, and 461A.49, the scheduled fine is fifteen dollars.

24 c. For violations of section 461A.44, the scheduled fine
25 is fifty dollars.

26 d. For violations of section 461A.48, the scheduled fine
27 is twenty-five dollars.

28 Sec. 4. NEW SECTION. 805.8C MISCELLANEOUS SCHEDULED
29 VIOLATIONS.

30 1. ENERGY EMERGENCY VIOLATIONS. For violations of an
31 executive order issued by the governor under the provisions of
32 section 473.8, the scheduled fine is fifty dollars.

33 2. ALCOHOLIC BEVERAGE VIOLATIONS. For violations of
34 section 123.49, subsection 2, paragraph "h", the scheduled
35 fine for a licensee or permittee is one thousand five hundred

1 dollars, and the scheduled fine for a person who is employed
2 by a licensee or permittee is five hundred dollars.

3 3. SMOKING VIOLATIONS.

4 a. For violations of section 142B.6, the scheduled fine is
5 twenty-five dollars, and is a civil penalty, and the criminal
6 penalty surcharge under section 911.2 shall not be added to
7 the penalty, and the court costs pursuant to section 805.9,
8 subsection 6, shall not be imposed. If the civil penalty
9 assessed for a violation of section 142B.6 is not paid in a
10 timely manner, a citation shall be issued for the violation in
11 the manner provided in section 804.1. However, a person under
12 age eighteen shall not be detained in a secure facility for
13 failure to pay the civil penalty. The complainant shall not
14 be charged a filing fee.

15 b. For violations of section 453A.2, subsection 1, by an
16 employee of a retailer, the scheduled fine is as follows:

17 (1) If the violation is a first offense, the scheduled
18 fine is one hundred dollars.

19 (2) If the violation is a second offense, the scheduled
20 fine is two hundred fifty dollars.

21 (3) If the violation is a third or subsequent offense, the
22 scheduled fine is five hundred dollars.

23 c. For violations of section 453A.2, subsection 2, the
24 scheduled fine is as follows and is a civil penalty, and the
25 criminal penalty surcharge under section 911.2 shall not be
26 added to the penalty, and the court costs pursuant to section
27 805.9, subsection 6, shall not be imposed:

28 (1) If the violation is a first offense, the scheduled
29 fine is fifty dollars.

30 (2) If the violation is a second offense, the scheduled
31 fine is one hundred dollars.

32 (3) If the violation is a third or subsequent offense, the
33 scheduled fine is two hundred fifty dollars.

34 Sec. 5. CODE EDITOR DIRECTIONS. The Code editor shall
35 make any necessary changes to the Code in order to conform any

1 provisions of the Code with this Act.

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SENATE FILE 499

H-1598

1 Amend Senate File 499, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 24, by striking the word "ten"
4 and inserting the following: "five"
5 2. Page 1, line 26, by striking the word
6 "fifteen" and inserting the following: "ten".
7 3. Page 1, line 32, by striking the word "ten"
8 and inserting the following: "five".
9 4. Page 3, line 18, by striking the word "Thirty"
10 and inserting the following: "Twenty".
11 5. Page 3, line 20, by striking the word "Forty"
12 and inserting the following: "Thirty".
13 6. Page 3, line 22, by striking the word "Fifty"
14 and inserting the following: "Forty".
15 7. Page 3, line 24, by striking the words "Fifty
16 dollars plus five" and inserting the following:
17 "Forty dollars plus two".
18 8. Page 3, line 31, by striking the word "Thirty"
19 and inserting the following: "Twenty".
20 9. Page 3, line 33, by striking the word "Fifty"
21 and inserting the following: "Forty".
22 10. Page 3, line 35, by striking the word
23 "Seventy" and inserting the following: "Sixty".
24 11. Page 4, line 2, by striking the words
25 "Seventy dollars plus five" and inserting the
26 following: "Sixty dollars plus two".

By COMMITTEE ON WAYS AND MEANS
VAN FOSSEN of Scott, Chairperson

H-1598 FILED APRIL 19, 2001

SENATE FILE 499

H-1460

1 Amend Senate File 499, as amended, passed, and
2 reprinted by the Senate, as follows
3 1. Page 1, line 24, by striking the word "ten."
4 and inserting the following: "five".
5 2. Page 1, line 26, by striking the word
6 "fifteen" and inserting the following: "ten".
7 3. Page 1, line 32, by striking the word "ten"
8 and inserting the following: "five".
9 4. Page 3, line 18, by striking the word "Thirty"
10 and inserting the following: "Twenty".
11 5. Page 3, line 20, by striking the word "Forty"
12 and inserting the following: "Thirty".
13 6. Page 3, line 22, by striking the word "Fifty"
14 and inserting the following: "Forty".
15 7. Page 3, line 24, by striking the words "Fifty
16 dollars plus five" and inserting the following:
17 "Forty dollars plus two".
18 8. Page 3, line 31, by striking the word "Thirty"
19 and inserting the following: "Twenty".
20 9. Page 3, line 33, by striking the word "Fifty"
21 and inserting the following: "Forty".
22 10. Page 3, line 35, by striking the word
23 "Seventy" and inserting the following: "Sixty".
24 11. Page 4, line 2, by striking the words
25 "Seventy dollars plus five" and inserting the
26 following: "Sixty dollars plus two".

By COMMITTEE ON JUDICIARY
LARSON of Linn, Chairperson

H-1460 FILED APRIL 9, 2001

Adopted
4-27-01
(p. 161C)

SENATE FILE 499

H-1736

1 Amend Senate File 499, as amended, passed, and
2 reprinted by the Senate, as follows:

3 1. Page 1, by inserting before line 1, the
4 following:

5 "Section 1. Section 321.236, subsection 1,
6 paragraph a, Code 2001, is amended to read as follows

7 a. May be charged and collected upon a simple
8 notice of a fine payable to the city clerk or clerk of
9 the district court, if authorized by ordinance. The
10 fine shall not exceed five dollars ~~except per~~
11 violation. The same parking violation shall not be
12 issued more than once per hour. Four separate
13 violations may be issued per violator on one simple
14 notice at the same location in a twenty-four hour
15 period. If separate violations are issued in a
16 twenty-four-hour period the aggregate fine amount
17 shall not exceed twenty dollars per violator. The
18 fine for a snow route parking ~~violations in which case~~
19 the fine violation shall not exceed twenty-five
20 dollars. The fine for a parking violation or for a
21 snow route violation may be increased up to ~~ten~~ five
22 dollars in excess of the fine for each violation if
23 the ~~parking~~ violation is not paid within thirty days
24 of the date upon which the violation occurred, if
25 authorized by ordinance. Violations of section
26 321L.4, subsection 2, may be charged and collected
27 upon a simple notice of a one hundred dollar fine
28 payable to the city clerk or clerk of the district
29 court, if authorized by ordinance. No costs or other
30 charges shall be assessed. All fines collected by a
31 city pursuant to this paragraph shall be retained by
32 the city and all fines collected by a county pursuant
33 to this paragraph shall be retained by the county."

34 2. Page 1, line 25, by striking the word
35 "dollars." and inserting the following: "dollars per
36 violation. Four separate violations may be issued per
37 violator on one citation at the same location in a
38 twenty-four-hour period. If separate violations are
39 issued in a twenty-four-hour period the aggregate fine
40 amount shall not exceed twenty dollars per violator."

41 3. Page 1, line 26, by striking the words
42 "increases in an amount" and inserting the following:
43 "may be increased".

44 4. Page 1, line 26, by striking the word
45 "dollars," and inserting the following: "dollars of
46 the fine or aggregate fine amount,".

47 5. Page 1, line 32, by striking the word
48 "dollars." and inserting the following: "dollars or
49 if separate violations were issued the scheduled fine
50 shall be the aggregate fine amount which shall not

H-1736

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Page 2

1 exceed twenty dollars "

By LARSON of Linn
METCALF of Polk
CHIODO of Polk
BRADLEY of Clinton
GRUNDBERG of Polk
FORD of Polk

HAHN of Muscatine
JACOBS of Polk
BOAL of Polk
HUSER of Polk
PETERSEN of Polk

H-1736 FILED APRIL 26, 2001

Lost 4/27/01 (P. 1612)

SENATE FILE 499

H-1741

1 Amend the amendment, H-1736, to Senate File 499, as
2 amended, passed, and reprinted by the Senate, as
3 follows:

4 1. Page 1, line 15, by inserting after the word
5 "period" the following: "in counties with a
6 population in excess of three hundred thousand".

7 2. Page 1, line 38, by inserting after the word
8 "period" the following: "in counties with a
9 population in excess of three hundred thousand".

By TREMMEL of Wapello

H-1741 FILED APRIL 26, 2001

*adopted
4/27/01
(P. 1612)*



**SENATE FILE 499
FISCAL NOTE**

A fiscal note for **Senate File 499 as passed by the Senate** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 499 as passed by the Senate makes changes to the scheduled fine amounts and reorganizes Section 805.8, Code of Laws. The Bill separates Section 805.8 into three new sections: 805.8A (motor vehicle and transportation-related offenses), 805.8B (navigation, recreation, hunting, and fishing offenses), and 805.8C (miscellaneous offenses).

ASSUMPTIONS

1. Charge, conviction, and sentence trends and patterns will not change over the projections period.
2. Prisoner length of stay, revocation rates, and other correction policies and practices will not change over the projections period.
3. The law will become effective July 1, 2001, and increased fines will be immediately applicable beginning on that date.
4. County revenues may be underestimated due to insufficient data available to provide a more reliable estimate.
5. There were approximately 224,000 convictions during FY 2000 that would have been affected if the proposed new fines had been in effect. Based on the Justice Data Warehouse information, which includes statewide court information.
6. The collection rate for the additional fine and surcharge amounts imposed under this proposal are between 80% and 90%, depending on the amount owed.
7. The 30% surcharge is included in the fiscal impact.

FISCAL IMPACT

Senate File 499 as passed by the Senate will result in increased fine revenues as follows:

Year 1

Total State General Fund	\$2,779,000
Total Victim Compensation Fund	\$ 134,000
Total Road Use Tax Fund	\$ 8,000
Total County/Local Government	\$ 373,000

Year 2

Total State General Fund	\$3,243,000
Total Victim Compensation Fund	\$ 134,000
Total Road Use Tax Fund	\$ 9,000
Total County/Local Government	\$ 249,000

PAGE 2 , FISCAL NOTE, SENATE FILE 199

Year 5

Total State General Fund	\$3,271,000
Total Victim Compensation Fund	\$ 150,000
Total Road Use Tax Fund	\$ 9,000
Total County/Local Government	\$ 217,000

SOURCE

Criminal and Juvenile Justice Planning Division, Department of Human Rights

(LSB 114SV 2, JJJ)

FILED APRIL 2, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

**SENATE FILE 499
FISCAL NOTE**

A fiscal note for **Senate File 499 as amended by H-1460** is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 499 as amended by H-1460 makes changes to the scheduled fine amounts and reorganizes Section 805.8, Code of Iowa. The Bill separates Section 805.8 into three new sections: 805.8A (motor vehicle and transportation-related offenses); 805.8B (navigation, recreation, hunting, and fishing offenses), and 805.8C (miscellaneous offenses)

ASSUMPTIONS

1. Charge, conviction, and sentencing trends and patterns will not change over the projections period.
2. Prisoner length of stay, revocation rates, and other correction policies and practices will not change over the projections period.
3. The law will become effective July 1, 2001, and increased fines will be immediately applicable beginning on that date.
4. County revenues may be underestimated due to insufficient data available to provide a more reliable estimate.
5. There were approximately 134,000 convictions during FY 2000 that would have been affected if the proposed new fines had been in effect, based on the Justice Data Warehouse information, which includes statewide Court information.
6. The collection rate for the additional fine and surcharge amounts imposed under this proposal are between 82% and 97%, depending on the amount owed.
7. The 30% surcharge is included in the fiscal impact.

FISCAL IMPACT

Senate File 499 as amended by H-1460 will result in increased fine revenues as follows.

	SF 499	SF 499 As Amended By H-1460
<u>Year 1</u>		
Total State General Fund	\$2,779,000	\$1,647,000
Total Victim Compensation Fund	\$ 134,000	\$ 80,000
Total Road Use Tax Fund	\$ 8,000	\$ 8,000
Total County/Local Government	\$ 773,000	\$ 458,000
<u>Year 2</u>		
Total State General Fund	\$3,243,000	\$1,835,000
Total Victim Compensation Fund	\$ 158,000	\$ 90,000

PAGE 2 , FISCAL NOTE, SENATE FILE 499

-2-

Total Road Use Tax Fund	\$ 9,000	\$ 9,000
Total County/Local Government	\$ 899,000	509,000

SF 499
As Amended By
H-1460

SF 499

Year 5

Total State General Fund	\$3,271,000	\$1,845,000
Total Victim Compensation Fund	\$ 160,000	\$ 91,000
Total Road Use Tax Fund	\$ 9,000	\$ 9,000
Total County/Local Government	\$ 907,000	\$ 512,000

SOURCE

Criminal and Juvenile Justice Planning Division, Department of Human Rights

(LSB 1144sv.3, JDD)

FILED APRIL 10, 2001

BY DENNIS PROUTY, FISCAL DIRECTOR

HOUSE AMENDMENT TO
SENATE FILE 499

S-3571

1 Amend Senate File 499, as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, line 24, by striking the word "ten"
4 and inserting the following: "five".
5 2. Page 1, line 26, by striking the word
6 "fifteen" and inserting the following: "ten".
7 3. Page 1, line 32, by striking the word "ten"
8 and inserting the following: "five".
9 4. Page 3, line 18, by striking the word "Thirty"
10 and inserting the following: "Twenty".
11 5. Page 3, line 20, by striking the word "Forty"
12 and inserting the following: "Thirty".
13 6. Page 3, line 22, by striking the word "Fifty"
14 and inserting the following: "Forty".
15 7. Page 3, line 24, by striking the words "Fifty
16 dollars plus five" and inserting the following:
17 "Forty dollars plus two".
18 8. Page 3, line 31, by striking the word "Thirty"
19 and inserting the following: "Twenty".
20 9. Page 3, line 33, by striking the word "Fifty"
21 and inserting the following: "Forty".
22 10. Page 3, line 35, by striking the word
23 "Seventy" and inserting the following: "Sixty".
24 11. Page 4, line 2, by striking the words
25 "Seventy dollars plus five" and inserting the
26 following: "Sixty dollars plus two".

RECEIVED FROM THE HOUSE

S-3571 FILED APRIL 27, 2001

consumed 5/3/01 (p. 1479)

SENATE FILE 499

S-3602

1 Amend the House amendment, S-3578, to Senate File
2 499, as amended, passed, and reprinted by the Senate,
3 as follows:

4 1. Page 1, by inserting before line 3, the
5 following:

6 " Page 1, by inserting before line 1, the
7 following:

8 "Section 1. Section 321.236, subsection 1,
9 paragraph a, Code 2001, is amended to read as follows:

10 a. May be charged and collected upon a single
11 notice of a fine payable to the city clerk or clerk of
12 the district court, if authorized by ordinance. The
13 fine shall not exceed five dollars ~~except per~~
14 violation. The same parking violation shall not be
15 issued more than once per hour. Four separate
16 violations may be issued per violator on one single
17 notice at the same location in a twenty-four-hour
18 period for overtime parking at a metered parking
19 location. If separate violations are issued in a
20 twenty-four-hour period the aggregate fine amount
21 shall not exceed twenty dollars per violator. The
22 fine for a snow route parking violation in which
23 the fine violation shall not exceed twenty-five
24 dollars. The fine for a parking violation or for a
25 snow route violation may be increased up to ten
26 dollars in excess of the fine for each violation if
27 the parking violation is not paid within thirty days
28 of the date upon which the violation occurred, if
29 authorized by ordinance. Violations of section
30 321L.4, subsection 2, may be charged and collected
31 upon a simple notice of a one hundred dollar fine
32 payable to the city clerk or clerk of the district
33 court, if authorized by ordinance. No costs or other
34 charges shall be assessed. All fines collected by a
35 city pursuant to this paragraph shall be retained by
36 the city and all fines collected by a county pursuant
37 to this paragraph shall be retained by the county."

38 2. Page 1, by inserting after line 4, the
39 following:

40 " Page 1, line 25, by striking the word
41 "dollars." and inserting the following: "dollars per
42 violation. Four ~~separate~~ violations may be issued per
43 violator on one ~~notice~~ at the same location in a
44 twenty-four-hour ~~period~~. If separate violations are
45 issued in a twenty-four-hour period the aggregate fine
46 amount shall not exceed twenty dollars per violator."

47 Page 1, line 26, by striking the words
48 "increases in an amount" and inserting the following:
49 "may be increased"."

50 3. Page 1, by inserting after line 6, the

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Page 2

1 following:

2 "____. Page 1, line 26, by striking the word
3 "dollars," and inserting the following: "dollars of
4 the fine or aggregate fine amount, "."

5 4. Page 1, by inserting after line 8, the
6 following:

7 "____. Page 1, line 32, by striking the word
8 "dollars." and inserting the following: "dollars or
9 if separate violations were issued the scheduled fine
10 shall be the aggregate fine amount which shall not
11 exceed twenty dollars.""

By O. GENE MADDOX
MICHAEL E. GRONSTAL

S-3602 FILED MAY 2, 2001*Last 5/3/01 (p. 1479)*

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SENATE FILE 499

AN ACT

MAKING CHANGES TO AND REORGANIZING SCHEDULED FINES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 805.8, Code 2001, is amended by striking the section and inserting in lieu thereof the following:

805.8 SCHEDULED VIOLATIONS.

1. APPLICATION. Except as otherwise indicated, violations of sections of the Code specified in sections 805.8A, 805.8B, and 805.8C, are scheduled violations, and the scheduled fine for each of those violations is as provided in those sections, whether the violation is of state law or of a county or city ordinance. The criminal penalty surcharge required by section 911.2 shall be added to the scheduled fine.

2. DESCRIPTION OF VIOLATIONS. The descriptions of offenses used in sections 805.8A, 805.8B, and 805.8C, are for convenience only and shall not be construed to define any offense or to include or exclude any offense other than those specifically included or excluded by reference to the Code. A reference to a section or subsection of the Code without further limitation includes every offense defined by that section or subsection.

Sec. 2. NEW SECTION. 805.8A MOTOR VEHICLE AND TRANSPORTATION SCHEDULED VIOLATIONS.

1. PARKING VIOLATIONS.

a. For parking violations under sections 321.236, 321.239, 321.358, 321.360, and 321.361, the scheduled fine is five dollars. The scheduled fine for a parking violation of section 321.236 increases in an amount up to ten dollars, as authorized by ordinance pursuant to section 321.236, subsection 1, paragraph "a", if the parking violation is not

paid within thirty days of the date upon which the violation occurred. For purposes of calculating the unsecured appearance bond required under section 805.6, the scheduled fine shall be five dollars. However, violations charged by a city or county upon simple notice of a fine instead of a uniform citation and complaint as permitted by section 321.236, subsection 1, paragraph "a", are not scheduled violations, and this section shall not apply to any offense charged in that manner. For a parking violation under section 321.362 or 461A.38, the scheduled fine is ten dollars.

b. For a parking violation under section 321L.2A, subsection 2, the scheduled fine is twenty dollars.

c. For violations under section 321L.2A, subsection 3, 321L.3, 321L.4, subsection 2, and 321L.7, the scheduled fine is one hundred dollars.

2. TITLE OR REGISTRATION VIOLATIONS.

a. For violations under sections 321.32, 321.34, 321.37, 321.38, and 321.41, the scheduled fine is ten dollars.

b. For violations under sections 321.17, 321.47, 321.55, 321.98, and 321.115, the scheduled fine is thirty dollars.

c. For violations under sections 321.25, 321.45, 321.46, 321.48, 321.52, 321.57, 321.62, 321.67, and 321.104, the scheduled fine is fifty dollars.

d. For a violation under section 321.99, the scheduled fine is one hundred dollars.

3. EQUIPMENT VIOLATIONS.

a. For violations under sections 321.317, 321.386, 321.387, 321.388, 321.389, 321.390, 321.392, 321.393, 321.422, 321.432, 321.436, 321.439, 321.440, 321.441, 321.442, and 321.444, the scheduled fine is ten dollars.

b. For improperly used or nonused, or defective or improper equipment, other than brakes, driving lights and brake lights, under section 321.437, the scheduled fine is ten dollars.

c. For violations under sections 321.382, 321.404A, and 321.438, the scheduled fine is fifteen dollars.

d. For violations of sections 321.383, 321.384, 321.385, 321.398, 321.402, 321.403, 321.404, 321.409, 321.415, 321.419, 321.420, 321.421, 321.423, and 321.433, the scheduled fine is twenty dollars.

e. For a violation of section 321.430, the scheduled violation is thirty-five dollars.

f. For violations under sections 321.234A, 321.247, 321.381, and 321.381A, the scheduled fine is fifty dollars.

4. DRIVER'S LICENSE VIOLATIONS.

a. For violations under sections 321.174A, 321.180, 321.180B, 321.193, and 321.194, the scheduled fine is thirty dollars.

b. For a violation of section 321.216, the scheduled violation is seventy-five dollars.

c. For violations under sections 321.174, 321.216B, 321.216C, 321.219, and 321.220, the scheduled fine is one hundred dollars.

5. SPEED VIOLATIONS.

a. For excessive speed violations in excess of the limit under section 321.236, subsections 5 and 11, sections 321.285, and 461A.36, the scheduled fine shall be the following:

- (1) Ten dollars for speed not more than five miles per hour in excess of the limit.
- (2) Twenty dollars for speed greater than five but not more than ten miles per hour in excess of the limit.
- (3) Thirty dollars for speed greater than ten but not more than fifteen miles per hour in excess of the limit.
- (4) Forty dollars for speed greater than fifteen but not more than twenty miles per hour in excess of the limit.
- (5) Forty dollars plus two dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

b. Notwithstanding paragraph "a", for excessive speed violations in speed zones greater than fifty-five miles per hour, the scheduled fine shall be:

(1) Ten dollars for speed not more than five miles per hour in excess of the limit.

(2) Twenty dollars for speed greater than five but not more than ten miles per hour in excess of the limit.

(3) Forty dollars for speed greater than ten but not more than fifteen miles per hour in excess of the limit.

(4) Sixty dollars for speed greater than fifteen but not more than twenty miles per hour in excess of the limit.

(5) Sixty dollars plus two dollars for each mile per hour of excessive speed over twenty miles per hour over the limit.

c. Excessive speed in whatever amount by a school bus is not a scheduled violation under any section listed in this subsection.

d. Excessive speed in conjunction with a violation of section 321.278 is not a scheduled violation, whatever the amount of excess speed.

e. For a violation under section 321.295, the scheduled fine is thirty dollars.

6. OPERATING VIOLATIONS.

a. For a violation under section 321.236, subsections 3, 4, 9, and 12, the scheduled fine is twenty dollars.

b. For violations under sections 321.275, subsections 1 through 7, 321.277A, 321.315, 321.316, 321.318, 321.363, and 321.365, the scheduled fine is twenty-five dollars.

c. For violations under sections 321.288, 321.297, 321.299, 321.303, 321.304, subsections 1 and 2, 321.305, 321.306, 321.311, 321.312, 321.314, 321.323, 321.340, 321.353, 321.354, and 321.395, the scheduled fine is thirty-five dollars.

d. For violations under sections 321.302 and 321.366, the scheduled fine is fifty dollars.

7. FAILURE TO YIELD OR OBEY VIOLATIONS.

a. For a violation by an operator of a motor vehicle under section 321.257, subsection 2, the scheduled fine is thirty-five dollars.

b. For violations under sections 321.298, 321.307, 321.308, 321.313, 321.319, 321.320, 321.321, 321.327, 321.329, and 321.333, the scheduled fine is thirty-five dollars.

8. TRAFFIC SIGN OR SIGNAL VIOLATIONS. For violations under sections 321.236, subsections 2 and 4, 321.256, 321.294, 321.304, subsection 3, and 321.322, the scheduled fine is thirty-five dollars.

9. BICYCLE OR PEDESTRIAN VIOLATIONS. For violations by a pedestrian or a bicyclist under section 321.234, subsections 3 and 4, 321.236, subsection 10, 321.257, subsection 2, 321.275, subsection 8, 321.325, 321.326, 321.328, 321.331, 321.332, 321.397, or 321.434, the scheduled fine is fifteen dollars.

10. SCHOOL BUS VIOLATIONS.

a. For violations by an operator of a school bus under sections 321.285 and 321.372, subsections 1 and 2, the scheduled fine is thirty-five dollars. However, an excessive speed violation by a school bus of more than ten miles per hour in excess of the limit is not a scheduled violation.

b. For a violation under section 321.372, subsection 3, the scheduled violation is one hundred dollars.

11. EMERGENCY VEHICLE VIOLATIONS.

a. For violations under sections 321.231, 321.367, and 321.368 the scheduled fine is thirty-five dollars.

b. For a violation under section 321.324, the scheduled fine is fifty dollars.

12. RESTRICTIONS ON VEHICLES.

a. For violations under sections 321.309, 321.310, 321.394, 321.461, and 321.462, the scheduled fine is twenty-five dollars.

b. For height, weight, length, width, load violations, and towed vehicle violations under section 321.437, the scheduled fine is twenty-five dollars.

c. For violations under sections 321.454, 321.455, 321.456, 321.457, and 321.458, the scheduled fine is one hundred dollars.

d. For violations under section 321.466, the scheduled fine is twenty dollars for each two thousand pounds or fraction thereof of overweight.

e. Violations of the schedule of axle and tandem axle and gross or group of axle weight violations in section 321.463 shall be scheduled violations subject to the provisions, procedures, and exceptions contained in sections 805.6 to 805.11, irrespective of the amount of the fine under that schedule. Violations of the schedule of weight violations shall be chargeable, where the fine charged does not exceed one thousand dollars, only by uniform citation and complaint. Violations of the schedule of weight violations, where the fine charged exceeds one thousand dollars shall, when the violation is admitted and section 805.9 applies, be chargeable upon uniform citation and complaint, indictment, or county attorney's information, but otherwise, shall be chargeable only upon indictment or county attorney's information.

In all cases of charges under the schedule of weight violations, the charge shall specify the amount of fine charged under the schedule. Where a defendant is convicted and the fine under the foregoing schedule of weight violations exceeds one thousand dollars, the conviction shall be of an indictable offense although section 805.9 is employed and whether the violation is charged upon uniform citation and complaint, indictment, or county attorney's information.

f. For a violation under section 321E.16, other than the provisions relating to weight, the scheduled fine is one hundred dollars.

13. MOTOR CARRIER VIOLATIONS.

a. For violations under sections 321.54, 326.22, and 326.23, the scheduled fine is twenty dollars.

b. For a violation under section 321.449, the scheduled fine is twenty-five dollars.

c. For violations under sections 321.208A, 321.364, 321.450, 321.460, and 452A.52, the scheduled fine is one hundred dollars.

d. For violations of section 325A.3, subsection 5, or section 325A.8, the scheduled fine is fifty dollars.

e. For violations of chapter 325A, other than a violation of section 325A.3, subsection 5, or section 325A.8, the scheduled fine is two hundred fifty dollars.

f. For failure to have proper carrier identification markings under section 327B.1, the scheduled fine is fifty dollars.

g. For failure to have proper evidence of interstate authority carried or displayed under section 327B.1, and for failure to register, carry, or display evidence that interstate authority is not required under section 327B.1, the scheduled fine is two hundred fifty dollars.

14. MISCELLANEOUS VIOLATIONS.

a. FAILURE TO OBEY A PEACE OFFICER. For a violation under section 321.229, the scheduled fine is thirty-five dollars.

b. ABANDONING A MOTOR VEHICLE. For violation under section 321.91, the scheduled fine is one hundred dollars.

c. SEAT BELT OR RESTRAINT VIOLATIONS. For violations under sections 321.445 and 321.446, the scheduled fine is twenty-five dollars.

d. LITTER AND DEBRIS VIOLATIONS. For violations under sections 321.369 and 321.370, the scheduled fine is thirty-five dollars.

e. OPEN CONTAINER VIOLATIONS. For violations under sections 321.284 and 321.284A, the scheduled fine is one hundred dollars.

f. PROOF OF FINANCIAL RESPONSIBILITY. If, in connection with a motor vehicle accident, a person is charged and found guilty of a violation of section 321.20B, subsection 1, the scheduled fine is five hundred dollars, otherwise, the scheduled fine for a violation of section 321.20B, subsection 1, is two hundred fifty dollars. Notwithstanding section 805.12, fines collected pursuant to this paragraph shall be submitted to the state court administrator and distributed

fifty percent to the victim compensation fund established in section 915.94, twenty-five percent to the county in which such fine is imposed, and twenty-five percent to the general fund of the state.

g. RADAR-JAMMING DEVICES. For a violation under section 321.232, the scheduled fine is fifty dollars.

h. RAILROAD CROSSING VIOLATIONS.

(1) For violations under sections 321.341, 321.342, 321.343, and 321.344, the scheduled fine is one hundred dollars.

(2) For a violation under section 321.344B, the scheduled fine is two hundred dollars.

i. ROAD WORK ZONE VIOLATIONS. The scheduled fine for any moving traffic violation under chapter 321, as provided in this section, shall be doubled if the violation occurs within any road work zone, as defined in section 321.1.

Sec. 3. NEW SECTION. 805.8B NAVIGATION, RECREATION, HUNTING, AND FISHING SCHEDULED VIOLATIONS.

1. NAVIGATION VIOLATIONS.

a. For violations of registration, inspections, identification, and record provisions under sections 462A.5, 462A.35, and 462A.37, and for unused or improper or defective lights and warning devices under section 462A.9, subsections 3, 4, 5, 9, and 10, the scheduled fine is ten dollars.

b. For violations of registration, identification, and record provisions under sections 462A.4 and 462A.10, and for unused or improper or defective equipment under section 462A.9, subsections 2, 6, 7, 8, and 13, and section 462A.11, and for operation violations under sections 462A.26, 462A.31, and 462A.33, the scheduled fine is twenty dollars.

c. For operating violations under sections 462A.12, 462A.15, subsection 1, sections 462A.24, and 462A.34, the scheduled fine is twenty-five dollars. However, a violation of section 462A.12, subsection 2, is not a scheduled violation.

d. For violations of use, location, and storage of vessels, devices, and structures under sections 462A.27, 462A.28, and 462A.32, the scheduled fine is fifteen dollars.

e. For violations of all subdivision ordinances under section 462A.17, subsection 2, except those relating to matters subject to regulation by authority of section 462A.31, subsection 5, the scheduled fine is the same as prescribed for similar violations of state law. For violations of subdivision ordinances for which there is no comparable state law, the scheduled fine is ten dollars.

2. SNOWMOBILE AND ALL-TERRAIN VEHICLE VIOLATIONS.

a. For registration violations under section 321G.3, the scheduled fine is twenty dollars. When the scheduled fine is paid, the violator shall submit sufficient proof that a valid registration has been obtained.

b. For operating violations under section 321G.9, subsections 1, 2, 3, 4, 5, and 7, sections 321G.11, and 321G.13, subsections 4 and 9, the scheduled fine is twenty dollars.

c. For improper or defective equipment under section 321G.12, the scheduled fine is ten dollars.

d. For violations of section 321G.19, the scheduled fine is fifteen dollars.

e. For identification violations under section 321G.5, the scheduled fine is ten dollars.

3. HUNTING AND FISHING VIOLATIONS.

a. For violations of section 484A.2, the scheduled fine is ten dollars.

b. For violations of sections 481A.54, 481A.69, 481A.71, 481A.72, 482.6, 483A.3, 483A.6, 483A.19, and 483A.27, the scheduled fine is twenty dollars.

c. For violations of sections 481A.6, 481A.21, 481A.22, 481A.26, 481A.50, 481A.56, 481A.60 through 481A.62, 481A.83, 481A.84, 481A.92, 481A.123, 481A.145, subsection 3, sections 482.7, 483A.7, 483A.8, 483A.23, and 483A.24, the scheduled fine is twenty-five dollars.

d. For violations of sections 481A.7, 481A.24, 481A.47, 481A.52, 481A.53, 481A.55, 481A.58, 481A.76, 481A.90, 481A.91, 481A.97, 481A.122, 481A.126, 481A.142, 481A.145, subsection 2, sections 482.8, and 483A.37, the scheduled fine is fifty dollars.

e. For violations of sections 481A.85, 481A.93, 481A.95, 481A.120, 481A.137, 481B.5, 482.3, 482.9, 482.15, and 483A.42, the scheduled fine is one hundred dollars.

f. For violations of section 481A.38 relating to the taking, pursuing, killing, trapping or ensnaring, buying, selling, possessing, or transporting any game, protected nongame animals, fur-bearing animals, or fur or skin of the animals, muskels, frogs, or fish or part of them, the scheduled fines are as follows:

(1) For deer or turkey, the scheduled fine is one hundred dollars.

(2) For protected nongame, the scheduled fine is one hundred dollars.

(3) For muskels, frogs, spawn, or fish, the scheduled fine is twenty-five dollars.

(4) For other game, the scheduled fine is fifty dollars.

(5) For fur-bearing animals, the scheduled fine is seventy-five dollars.

g. For violations of section 481A.38 relating to an attempt to take, pursue, kill, trap, buy, sell, possess, or transport any game, protected nongame animals, fur-bearing animals, or fur or skin of the animals, muskels, frogs, or fish or part of them, the scheduled fines are as follows:

(1) For game or fur-bearing animals, the scheduled fine is fifty dollars.

(2) For protected nongame, the scheduled fine is fifty dollars.

(3) For muskels, frogs, spawn, or fish, the scheduled fine is ten dollars.

h. For violations of section 481A.48 relating to restrictions on game birds and animals, the scheduled fines are as follows:

- (1) Out-of-season, the scheduled fine is one hundred dollars.
- (2) Over limit, the scheduled fine is one hundred dollars.
- (3) Attempt to take, the scheduled fine is fifty dollars.
- (4) General waterfowl restrictions, the scheduled fine is fifty dollars.
 - (a) No federal stamp, the scheduled fine is fifty dollars.
 - (b) Unplugged shotgun, the scheduled fine is ten dollars.
 - (c) Possession of other than steel shot, the scheduled fine is twenty-five dollars.
 - (d) Early or late shooting, the scheduled fine is twenty-five dollars.

(5) Possession of a prohibited pistol or revolver while hunting deer, the scheduled fine is one hundred dollars.

i. For violations of section 481A.67 relating to general violations of fishing laws, the scheduled fine is twenty-five dollars.

- (1) For over limit catch, the scheduled fine is thirty dollars.
- (2) For under minimum length or weight, the scheduled fine is twenty dollars.
- (3) For out-of-season fishing, the scheduled fine is fifty dollars.

j. For violations of section 481A.73 relating to trotlines and throwlines:

- (1) For trotline or throwline violations in legal waters, the scheduled fine is twenty-five dollars.
- (2) For trotline or throwline violations in illegal waters, the scheduled fine is fifty dollars.

k. For violations of section 481A.144, subsection 4, or section 481A.145, subsections 4, 5, and 6, relating to minnows:

(1) For general minnow violations, the scheduled fine is twenty-five dollars.

(2) For commercial purposes, the scheduled fine is fifty dollars.

l. For violations of section 481A.87 relating to the taking or possessing of fur-bearing animals out of season:

- (1) For red fox, gray fox, or mink, the scheduled fine is one hundred dollars.
- (2) For all other furbearers, the scheduled fine is fifty dollars.

m. For violations of section 482.4 relating to gear tags:

- (1) For commercial license violations, the scheduled fine is one hundred dollars.
- (2) For no gear tags, the scheduled fine is twenty-five dollars.

n. For violations of section 482.11 relating to turtles:

- (1) For commercial turtle violations, the scheduled fine is one hundred dollars.
- (2) For sport turtle violations, the scheduled fine is fifty dollars.

o. For violations of section 482.12 relating to mussels:

- (1) For commercial mussel violations, the scheduled fine is one hundred dollars.
- (2) For sport mussel violations, the scheduled fine is fifty dollars.

p. For violations of section 483A.1 relating to licenses and permits, the scheduled fines are as follows:

- (1) For a license or permit costing ten dollars or less, the scheduled fine is twenty dollars.
- (2) For a license or permit costing more than ten dollars but not more than twenty dollars, the scheduled fine is thirty dollars.
- (3) For a license or permit costing more than twenty dollars but not more than forty dollars, the scheduled fine is fifty dollars.

(4) For a license or permit costing more than forty dollars but not more than fifty dollars, the scheduled fine is seventy dollars.

(5) For a license or permit costing more than fifty dollars, the scheduled fine is one hundred dollars.

q. For violations of section 483A.26 relating to false claims for licenses:

(1) For making a false claim for a license by a resident, the scheduled fine is fifty dollars.

(2) For making a false claim for a license by a nonresident, the scheduled fine is one hundred dollars.

r. For violations of section 483A.36 relating to the conveyance of guns:

(1) For conveying an assembled, unloaded gun, the scheduled fine is twenty-five dollars.

(2) For conveying a loaded gun, the scheduled fine is fifty dollars.

4. GINSENG VIOLATIONS. For a violation of section 456A.24, subsection 11, the scheduled fine is one hundred dollars.

5. EURASIAN WATER MILPOIL VIOLATIONS. For violations of section 456A.37, subsection 5, the scheduled fine is one hundred dollars.

6. MISUSE OF PARKS AND PRESERVES.

a. For violations under sections 461A.39, 461A.45, and 461A.50, the scheduled fine is ten dollars.

b. For violations under sections 461A.40, 461A.43, 461A.46, and 461A.49, the scheduled fine is fifteen dollars.

c. For violations of section 461A.44, the scheduled fine is fifty dollars.

d. For violations of section 461A.48, the scheduled fine is twenty-five dollars.

Sec. 4. NEW SECTION. 805.8C MISCELLANEOUS SCHEDULED VIOLATIONS.

1. ENERGY EMERGENCY VIOLATIONS. For violations of an executive order issued by the governor under the provisions of section 473.8, the scheduled fine is fifty dollars.

2. ALCOHOLIC BEVERAGE VIOLATIONS. For violations of section 123.49, subsection 2, paragraph "h", the scheduled fine for a licensee or permittee is one thousand five hundred dollars, and the scheduled fine for a person who is employed by a licensee or permittee is five hundred dollars.

3. SMOKING VIOLATIONS.

a. For violations of section 142B.6, the scheduled fine is twenty-five dollars, and is a civil penalty, and the criminal penalty surcharge under section 911.2 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed. If the civil penalty assessed for a violation of section 142B.6 is not paid in a timely manner, a citation shall be issued for the violation in the manner provided in section 804.1. However, a person under age eighteen shall not be detained in a secure facility for failure to pay the civil penalty. The complainant shall not be charged a filing fee.

b. For violations of section 453A.2, subsection 1, by an employee of a retailer, the scheduled fine is as follows:

(1) If the violation is a first offense, the scheduled fine is one hundred dollars.

(2) If the violation is a second offense, the scheduled fine is two hundred fifty dollars.

(3) If the violation is a third or subsequent offense, the scheduled fine is five hundred dollars.

c. For violations of section 453A.2, subsection 2, the scheduled fine is as follows and is a civil penalty, and the criminal penalty surcharge under section 911.2 shall not be added to the penalty, and the court costs pursuant to section 805.9, subsection 6, shall not be imposed:

(1) If the violation is a first offense, the scheduled fine is fifty dollars.



(2) If the violation is a second offense, the scheduled fine is one hundred dollars.

(3) If the violation is a third or subsequent offense, the scheduled fine is two hundred fifty dollars.

Sec. 5. CODE EDITOR DIRECTIONS. The Code editor shall make any necessary changes to the Code in order to conform any provisions of the Code with this Act.

MARY E. KRAMER
President of the Senate

BRENT SIEGRIST
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 499, Seventy-ninth General Assembly.

MICHAEL E. MARSHALL
Secretary of the Senate

Approved 5/16, 2001

THOMAS J. VILSACK
Governor

